

Senate Engrossed House Bill

~~ADE; school safety; center; programs~~
(now: school safety; ESAs; fingerprinting; revisions)

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HOUSE BILL 2142

AN ACT

AMENDING SECTIONS 15-106, 15-154, 15-154.02 AND 15-155, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-249.20; AMENDING SECTIONS 15-2402, 15-2403, 15-2404, 41-619.51, 41-1750, 41-1758, 41-1758.01, 41-1758.02 AND 41-1758.08, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO KINDERGARTEN THROUGH GRADE TWELVE EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-106, Arizona Revised Statutes, is amended to
3 read:

4 15-106. Identity verified fingerprints; definition

5 A. An applicant who applies for a new teaching certificate in order
6 to teach in a school district, a participant in field experience or
7 student teaching in this state, an applicant who applies for a renewal of
8 an existing teaching certificate in order to continue teaching in a school
9 district, an applicant who is required for the first time to be
10 fingerprinted in order to teach in a charter school and an applicant who
11 is required to renew fingerprints in order to continue teaching in a
12 charter school pursuant to section 15-183, an applicant who is required to
13 be fingerprinted pursuant to section 15-512, **ANY PERSON WHO IS REQUIRED TO**
14 **OBTAIN AND MAINTAIN A FINGERPRINT CLEARANCE CARD PURSUANT TO CHAPTER 19 OF**
15 **THIS TITLE** and any person who is contracted by this state, by a school
16 district or by a charter school to provide tutoring services shall submit
17 for an identity verified fingerprint card that will be used by the
18 department of public safety to process the fingerprint clearance card
19 pursuant to title 41, chapter 12, article 3.1 as follows:

20 1. The applicant shall submit a request for an application packet
21 from the department of public safety.

22 2. The application packet shall be contained in an envelope
23 specified by the department of public safety and shall include the
24 following:

25 (a) A blank applicant fingerprint card.

26 (b) An application for a fingerprint clearance card.

27 (c) Instructions for ~~the return of~~ **RETURNING** the application
28 packet.

29 3. A school district, ~~or~~ charter school **OR QUALIFIED SCHOOL** may
30 contract for fingerprinting services through an entity or entities and
31 shall provide a copy of the instructions to the entity or entities as
32 provided by the department of public safety regarding the submission of
33 identity verified fingerprints. If a school district, ~~or~~ charter school **OR**
34 **QUALIFIED SCHOOL** elects to provide fingerprinting services, the school
35 district, ~~or~~ charter school **OR QUALIFIED SCHOOL** shall authorize an
36 individual employed by the school district, ~~or~~ charter school **OR QUALIFIED**
37 **SCHOOL** to administer the services.

38 4. The department of public safety shall provide instructions to
39 law enforcement agencies, ~~and~~ public schools **AND QUALIFIED SCHOOLS**
40 regarding the submission of identity verified fingerprints. The
41 department of public safety shall reject the application for a fingerprint
42 clearance card if the application is not correct or is not submitted
43 according to the instructions provided by the department of public safety.

44 5. The applicant, at the time that identity verified fingerprints
45 are taken, shall provide the law enforcement agency, school district,

1 charter school, QUALIFIED SCHOOL or other entity with a completed
2 application form for a fingerprint clearance card, the fingerprint card
3 with the requisite demographic information and the required fee in the
4 form of a money order or cashier's check made out to the department of
5 public safety. The law enforcement agency, school district, charter
6 school, QUALIFIED SCHOOL or other entity shall verify the identity of the
7 applicant through recognized means of photographic identification and a
8 comparison of the demographic information on the photographic
9 identification against the demographic information on the application form
10 and the fingerprint card. The authorized person taking the fingerprints
11 shall enter on the application form a description of the photographic
12 identification presented by the applicant. The law enforcement agency,
13 school district, charter school, QUALIFIED SCHOOL or other entity shall
14 place the completed fingerprint card, the completed application form or
15 any other form required by the department of public safety and the fee
16 provided by the applicant in the postage prepaid envelope provided by the
17 department of public safety and mail it to the fingerprinting division in
18 the department of public safety. A law enforcement agency, school
19 district, charter school, QUALIFIED SCHOOL or other entity may charge the
20 applicant a reasonable fee for services provided pursuant to this section.

21 6. Fingerprints submitted electronically or through an
22 internet-based system pursuant to section 41-1758.01 shall include a
23 completed application for a fingerprint clearance card, the requisite
24 applicant demographic information and the required fee, and shall be
25 identity verified in accordance with instructions provided by the
26 department of public safety. The department shall reject the application
27 for a fingerprint clearance card if the application is not correct or is
28 not submitted according to the department's instructions. The entity or
29 entities contracted by the department shall comply with:

30 (a) All information privacy and security measures and submission
31 standards established by the department.

32 (b) The information technology security policy approved by the
33 department.

34 7. The department of public safety shall process the application
35 packet in the same manner prescribed for fingerprint clearance cards
36 issued pursuant to title 41, chapter 12, article 3.1.

37 8. The department of public safety shall provide for digital
38 storage and retrieval of identity verified fingerprints taken pursuant to
39 this section. The fingerprints taken pursuant to this section shall be
40 digitally designated in the fingerprint archive as identity verified
41 fingerprint records.

42 9. A person who has a set of identity verified fingerprints on file
43 with the department of public safety pursuant to this section ~~shall~~ IS-not
44 ~~be~~ required to submit a new set of fingerprints to the department of
45 public safety to renew the person's fingerprint clearance card. On receipt

1 of the required application form and fee for a renewal fingerprint
2 clearance card from a person required to submit identity verified
3 fingerprints, the department of public safety shall attempt to use the
4 electronic copy of the applicant's identity verified fingerprints that are
5 retained pursuant to this section to conduct the state and national
6 criminal records checks. The department of public safety may require the
7 applicant to submit a new set of identity verified fingerprints if the
8 department of public safety determines that the original fingerprints
9 submitted have been lost or damaged or are found to be otherwise of
10 insufficient quality to conduct a valid technical fingerprint search
11 either by the department of public safety or the federal bureau of
12 investigation.

13 10. A person who participates in a teacher preparation program that
14 is approved by the state board of education and who does not participate
15 in field experience or student teaching in this state ~~shall~~ IS not ~~be~~
16 required to obtain a fingerprint clearance card pursuant to this section.

17 B. FOR THE PURPOSES OF THIS SECTION, "QUALIFIED SCHOOL" HAS THE SAME
18 MEANING PRESCRIBED IN SECTION 15-2401.

19 Sec. 2. Section 15-154, Arizona Revised Statutes, is amended to
20 read:

21 15-154. School safety program; purpose; school safety center;
22 program proposals; requirements; annual report;
23 public records exemption; fingerprint clearance
24 cards; definitions

25 A. The school safety program is established within THE SCHOOL
26 SAFETY CENTER WITHIN the department of education to support, promote and
27 enhance safe and effective learning environments for all students by
28 supporting the costs of placing school resource officers, juvenile
29 probation officers, school safety officers, school counselors and school
30 social workers on school campuses. The school safety program may also
31 support the costs of purchasing safety technology, safety training and
32 infrastructure improvements for school campuses as provided in subsection
33 D of this section. A school district or charter school may apply to
34 participate in the school safety program as provided in this section for
35 up to three fiscal years by submitting by April 15 a program proposal to
36 the ~~department of education~~ SCHOOL SAFETY CENTER. A school district or
37 charter school that receives approval for a three-year program under this
38 subsection may annually submit a modified spending plan for its approved
39 program.

40 B. A program proposal submitted by a school district or charter
41 school for supporting the costs of placing school resource officers,
42 juvenile probation officers or school safety officers, or any combination
43 of these officers, on a school campus shall contain:

44 1. A detailed description of the school safety needs of the charter
45 school or school district.

1 2. A plan to provide the current school building blueprints, floor
2 plans and school safety assessments for each school site to the local law
3 enforcement agency, emergency medical services provider and fire
4 department that provides services to the school site.

5 3. A plan for implementing a law-related education program or a
6 plan that demonstrates the existence of a law-related education program as
7 a school safety prevention strategy.

8 4. A plan to use trained school resource officers, juvenile
9 probation officers or school safety officers, or any combination of these
10 officers, in the school.

11 5. A plan to train school resource officers, juvenile probation
12 officers or school safety officers, or any combination of these officers,
13 on the family educational rights and privacy act, civil rights and
14 adolescent mental health issues.

15 6. If the school district or charter school has already
16 participated in the school safety program, information on the success,
17 compliance and implementation of the most recent grant.

18 C. A program proposal submitted by a school district or charter
19 school for supporting the costs of placing school counselors or school
20 social workers, or both, on a school campus shall contain:

21 1. A detailed description of the school safety needs of the charter
22 school or school district.

23 2. A plan to provide the current school building blueprints, floor
24 plans and school safety assessments for each school site to the local law
25 enforcement agency, emergency medical services provider and fire
26 department that provides services to the school site.

27 3. A plan for implementing a school guidance and counseling program
28 that includes the following:

29 (a) A detailed description of the relationship between the school
30 counselor or the school social worker, or both, and local community
31 resources.

32 (b) A plan for using school counselor and school social worker
33 services in the school, or both.

34 (c) A detailed description of the methods for evaluating the
35 effectiveness of the school guidance and counseling plan.

36 (d) Policies on confidentiality under the school guidance and
37 counseling plan.

38 (e) Policies on notifying parents and other family members of
39 issues or concerns as identified in the school guidance and counseling
40 plan.

41 (f) A detailed description of the school's, school district's or
42 charter school's referral procedures to the appropriate community entities
43 and state agencies.

1 4. If the school district or charter school has already
2 participated in the school safety program, information on the success,
3 compliance and implementation of the most recent approved program
4 proposal.

5 D. If a school district or charter school whose program proposal
6 pursuant to subsection B or C of this section was approved by the state
7 board of education cannot place one or more of the school resource
8 officers, juvenile probation officers, school safety officers, school
9 counselors or school social workers, or any combination of these
10 individuals, as included in the approved program proposal, the school
11 district or charter school may submit an alternative program proposal for
12 supporting the costs of purchasing safety technology, safety training and
13 infrastructure improvements for its school campus or campuses. An
14 alternative program proposal submitted pursuant to this subsection shall
15 contain:

16 1. A detailed description of the safety needs of the school
17 district or charter school.

18 2. A detailed description of the proposed expenditures and capital
19 improvements, including:

20 (a) The safety needs that each proposed expenditure will address.

21 (b) The specific technology or training program that the school
22 district or charter school seeks to acquire.

23 (c) For infrastructure improvements, all costs associated with the
24 improvements, including architectural and engineering fees, safety
25 evaluations and equipment for securing entrances and exits.

26 3. Any other information requested by the ~~department of education~~
27 SCHOOL SAFETY CENTER.

28 E. The ~~department of education~~ SCHOOL SAFETY CENTER shall review
29 and administer the school resource officers, juvenile probation officers
30 and school safety officers program proposals in cooperation with the
31 courts, law enforcement agencies and law-related education providers
32 awarded a contract pursuant to section 41-2534, subject to review and
33 approval by the state board of education. The ~~department of education~~
34 SCHOOL SAFETY CENTER shall use relevant crime statistics to assess the
35 needs of each program proposal and shall visit school districts and
36 charter schools that submit program proposals in order to verify the
37 information contained in the program proposals. The ~~department of~~
38 ~~education~~ SCHOOL SAFETY CENTER shall contract to provide guidelines,
39 curricula and support resources for school resource officers, juvenile
40 probation officers and school safety officers to use in implementing a
41 law-related education program.

42 F. The ~~department of education~~ SCHOOL SAFETY CENTER shall review
43 and administer the school counselors and school social workers program
44 proposals in cooperation with school administrators, principals, teachers,
45 parents and community mental health professionals. The ~~department of~~

1 ~~education~~ SCHOOL SAFETY CENTER shall use relevant school-level academic,
2 social and emotional statistics to assess the needs of each program
3 proposal and shall visit school districts and charter schools that submit
4 program proposals in order to verify the information contained in the
5 program proposals.

6 G. The ~~department of education~~ SCHOOL SAFETY CENTER shall review
7 and administer the safety technology, safety training and infrastructure
8 improvements program proposals. The ~~department~~ SCHOOL SAFETY CENTER shall
9 use relevant crime statistics to assess the needs of each program proposal
10 and may visit school districts and charter schools that submit program
11 proposals in order to verify the information contained in the program
12 proposals. The ~~department~~ SCHOOL SAFETY CENTER may approve all or part of
13 a safety technology, safety training or infrastructure improvement program
14 proposal.

15 H. The ~~department of education~~ SCHOOL SAFETY CENTER, subject to the
16 review and approval of the state board of education, shall distribute
17 monies to the school districts and charter schools that are in compliance
18 with program requirements prescribed in this section and in section
19 15-154.02 and whose program proposals have been approved by the state
20 board of education.

21 I. The ~~department of education~~ SCHOOL SAFETY CENTER shall review
22 program proposals submitted by school districts and charter schools for
23 participation in the school safety program and shall select school sites
24 that are eligible to receive funding based on school safety needs pursuant
25 to this section. The ~~department of education~~ SCHOOL SAFETY CENTER may
26 prioritize program proposals for school resource officer, juvenile
27 probation officer and school safety officer grants to school districts and
28 charter schools that have agreements to share the cost of the school
29 resource officer, juvenile probation officer or school safety officer with
30 a law enforcement agency or the courts.

31 J. The ~~department of education~~ SCHOOL SAFETY CENTER shall evaluate
32 the effectiveness of all the approved program proposals submitted pursuant
33 to subsections B, C and D of this section within the school safety program
34 and report on the activities of the program and the participants in the
35 school safety program to the president of the senate, the speaker of the
36 house of representatives and the governor on or before November 1 of each
37 year and shall provide a copy of this report to the secretary of
38 state. The evaluation and report shall include survey results from
39 participating schools and data from participating schools on the impact of
40 participating in the school safety program. The ~~department~~ SCHOOL SAFETY
41 CENTER shall establish data guidelines for school safety program
42 participants to follow in reporting pursuant to this subsection.

43 K. The ~~school safety program established by this section shall~~
44 ~~include~~ SCHOOL SAFETY CENTER SHALL ADOPT a school safety program guidance
45 manual ~~adopted by the department of education~~ FOR THE SCHOOL SAFETY

1 PROGRAM ESTABLISHED BY THIS SECTION that requires a dispute resolution
2 process to be included in the service agreement between a school district
3 or charter school that submitted a program proposal and received a school
4 resource officer grant or school safety officer grant from the school
5 safety program and the law enforcement agency that provides services to
6 the school district or charter school.

7 L. Any appropriations that are made to the department of education
8 OR THE SCHOOL SAFETY CENTER WITHIN THE DEPARTMENT OF EDUCATION for the
9 approved program proposals within the school safety program are exempt
10 from the provisions of section 35-190 relating to lapsing of
11 appropriations. THE SCHOOL SAFETY CENTER MAY USE NOT MORE THAN \$6,500,000
12 PER YEAR FROM THE UNEXPENDED AND UNENCUMBERED MONIES THAT WERE
13 APPROPRIATED FOR THE SCHOOL SAFETY PROGRAM IN A PREVIOUS FISCAL YEAR, IF
14 ANY, FOR THE COSTS OF ADMINISTERING THE SCHOOL SAFETY PROGRAM AND THE
15 SCHOOL SAFETY CENTER. All monies that are not used for an approved
16 program proposal within the school safety program during the fiscal year
17 for which the monies were appropriated revert to the ~~department of~~
18 ~~education~~ SCHOOL SAFETY CENTER for distribution to the program in the
19 following fiscal year.

20 M. ~~Monies received by~~ A school district or charter school ~~under~~
21 THAT RECEIVES MONIES PURSUANT TO the school safety program shall ~~be spent~~
22 USE THE MONIES to implement the SCHOOL DISTRICT'S OR CHARTER SCHOOL'S
23 approved program ~~proposals~~ PROPOSAL.

24 N. The auditor general shall include the school safety program as
25 part of its ongoing sunset review of agencies and programs.

26 O. Notwithstanding any other law, school building blueprints and
27 floor plans are not public records and are exempt from title 39,
28 chapter 1.

29 P. ANY SCHOOL RESOURCE OFFICER, JUVENILE PROBATION OFFICER, SCHOOL
30 SAFETY OFFICER, SCHOOL COUNSELOR OR SCHOOL SOCIAL WORKER WHO IS PLACED ON
31 A SCHOOL CAMPUS PURSUANT TO AN APPROVED PROGRAM PROPOSAL THAT WAS
32 SUBMITTED PURSUANT TO SUBSECTION B OR C OF THIS SECTION SHALL OBTAIN A
33 FINGERPRINT CLEARANCE CARD PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1
34 BEFORE THE INDIVIDUAL MAY HAVE CONTACT WITH STUDENTS THAT IS NOT
35 SUPERVISED AS DEFINED IN SECTION 15-505 AND SHALL MAINTAIN A VALID
36 FINGERPRINT CLEARANCE CARD DURING THE PERIOD OF THE INDIVIDUAL'S PLACEMENT
37 AT A SCHOOL CAMPUS.

38 ~~P.~~ Q. For the purposes of this section:

39 1. "Law-related education" means interactive education to equip
40 children and youth with knowledge and skills pertaining to the law, school
41 safety and effective citizenship.

42 2. "Law-related education program" means a program designed to
43 provide children and youth with knowledge, skills and activities
44 pertaining to the law and legal process and to promote law-abiding
45 behavior with the purpose of preventing children and youth from engaging

1 in delinquency or violence and enabling them to become productive
2 citizens.

3 3. "School counselor" means a professional educator who holds a
4 valid school counselor certificate issued by the department of education.

5 4. "School guidance and counseling program" means a counseling
6 program that supports, promotes and enhances the academic, personal,
7 social, emotional and career development of all students.

8 5. "School resource officer" means any of the following:

9 (a) A peace officer.

10 (b) A full-authority reserve peace officer who is certified by the
11 Arizona peace officer standards and training board.

12 (c) An individual who was previously employed as a peace officer in
13 this state, who retired in good standing and who is assigned to
14 participate in the school safety program by a law enforcement agency
15 pursuant to section 15-155.

16 6. "School safety officer" means a school resource officer who is
17 working in an off-duty capacity.

18 7. "School social worker" means a professional educator who holds a
19 valid school social worker certificate issued by the department of
20 education.

21 Sec. 3. Section 15-154.02, Arizona Revised Statutes, is amended to
22 read:

23 15-154.02. Emergency response plans; school safety
24 assessments; approved providers; triennial
25 safety assessments

26 A. Each school district and charter school that receives monies
27 pursuant to section 15-154 for an approved school safety program shall do
28 both of the following:

29 1. Develop an emergency response plan pursuant to section 15-341,
30 subsection A, paragraph 31 or section 15-183, subsection E, paragraph 10
31 ~~to satisfy the requirements prescribed in this paragraph.~~

32 2. Every five years, contract with a school safety assessment
33 provider from the list compiled pursuant to subsection B of this section
34 to conduct a school safety assessment, including an assessment of the
35 physical security of each school site and a review of the emergency
36 response plan for each school site.

37 B. The SCHOOL SAFETY CENTER WITHIN THE department of education
38 shall compile a list of approved school safety assessment providers and
39 shall make the list available to school districts and charter schools that
40 participate in the school safety program established by section 15-154.

41 C. Every three years, the ~~department of education~~ SCHOOL SAFETY
42 CENTER shall select a random sample of school districts and charter
43 schools that are participating in the school safety program established by
44 section 15-154 and shall conduct a safety assessment of the selected
45 school districts and charter schools. The ~~department~~ SCHOOL SAFETY CENTER

1 shall provide a copy of the safety assessment results to the respective
2 school district's governing board or charter school's governing body and
3 the administrators of each school site that was assessed.

4 Sec. 4. Section 15-155, Arizona Revised Statutes, is amended to
5 read:

6 15-155. School safety program; funding

7 A. The SCHOOL SAFETY CENTER WITHIN THE department of education
8 shall cooperate with the county school superintendent, the county sheriff
9 and the local chief of police to allow a law enforcement agency, with the
10 consent of the school, to assign a peace officer, a full-authority reserve
11 peace officer who is certified by the Arizona peace officer standards and
12 training board or an individual who was previously employed as a peace
13 officer in this state and who retired in good standing to participate in
14 the school safety program in each school in the county. The cost of the
15 peace officer is a state charge that is funded by the ~~department of~~
16 ~~education~~ SCHOOL SAFETY CENTER, except for agreements to share the cost of
17 the school resource officer pursuant to section 15-154, subsection I.

18 B. In cooperation with the ~~department of education~~ SCHOOL SAFETY
19 CENTER and the county school superintendent and with the consent of the
20 school, the presiding judge of the juvenile court may assign juvenile
21 probation officers to participate in the school safety program in each
22 school in the county. The cost of juvenile probation officers is a state
23 charge that is funded by the ~~department of education~~ SCHOOL SAFETY CENTER,
24 except for agreements to share the cost of the juvenile probation officer
25 pursuant to section 15-154, subsection I.

26 Sec. 5. Title 15, chapter 2, article 2, Arizona Revised Statutes,
27 is amended by adding section 15-249.20, to read:

28 15-249.20. School safety center; duties; school safety center
29 council; members

30 A. THE SCHOOL SAFETY CENTER IS ESTABLISHED WITHIN THE DEPARTMENT OF
31 EDUCATION. THE SCHOOL SAFETY CENTER, WITH SUPPORT FROM THE SCHOOL SAFETY
32 CENTER COUNCIL ESTABLISHED BY SUBSECTION B OF THIS SECTION, SHALL:

33 1. USE SCHOOL SAFETY SUBJECT MATTER EXPERTISE TO IDENTIFY BEST
34 PRACTICES FOR ENHANCING SCHOOL SAFETY IN THIS STATE.

35 2. PROVIDE STATEWIDE TRAINING AND PROFESSIONAL DEVELOPMENT TO
36 SCHOOL SAFETY PERSONNEL, INCLUDING TRAINING RELATED TO EMERGENCY
37 PREPAREDNESS, THREAT RESPONSE, CAMPUS SAFETY PROTOCOLS AND PREVENTION
38 MEASURES THAT PROMOTE SCHOOL SAFETY.

39 3. ADMINISTER THE SCHOOL SAFETY PROGRAM ESTABLISHED BY SECTION
40 15-154, INCLUDING REVIEWING GRANT APPLICATIONS, MONITORING GRANT
41 RECIPIENTS TO ENSURE COMPLIANCE WITH ALL PROGRAM REQUIREMENTS, REVIEWING
42 PROGRAM PERFORMANCE AND ENFORCING CORRECTIVE ACTION REQUIREMENTS.

43 4. PROVIDE TECHNICAL ASSISTANCE TO SCHOOL DISTRICTS AND CHARTER
44 SCHOOLS FOR THE DEVELOPMENT OF PROGRAMS PROPOSALS FOR THE SCHOOL SAFETY
45 PROGRAM PURSUANT TO SECTION 15-154.

1 5. PROVIDE TECHNICAL ASSISTANCE TO SCHOOL DISTRICTS AND CHARTER
2 SCHOOLS FOR THE DEVELOPMENT OF EMERGENCY RESPONSE PLANS PURSUANT TO
3 SECTION 15-183, SUBSECTION E, PARAGRAPH 10, SECTION 15-341, SUBSECTION A,
4 PARAGRAPH 31 AND SECTION 15-154.02, SUBSECTION A, PARAGRAPH 1.

5 6. RESEARCH AND EVALUATE SCHOOL SAFETY PROGRAMS, INITIATIVES,
6 OUTCOMES AND PREVENTION MEASURES THAT PROMOTE SCHOOL SAFETY.

7 7. CONDUCT SCHOOL SAFETY RISK ASSESSMENTS. THE SCHOOL SAFETY
8 CENTER MAY OFFER SPECIFIC RECOMMENDATIONS TO A SCHOOL BASED ON THE
9 FINDINGS OF A RISK ASSESSMENT THAT IS CONDUCTED PURSUANT TO THIS
10 PARAGRAPH.

11 8. ADOPT GUIDELINES FOR THREAT VULNERABILITY ASSESSMENTS AND
12 PHYSICAL CAMPUS SECURITY PLANNING.

13 9. ADOPT GUIDELINES FOR COORDINATION BETWEEN SCHOOLS, THE DIVISION
14 OF EMERGENCY MANAGEMENT WITHIN THE DEPARTMENT OF EMERGENCY AND MILITARY
15 AFFAIRS, THE DEPARTMENT OF PUBLIC SAFETY AND ANY LOCAL LAW ENFORCEMENT
16 AGENCY, EMERGENCY MEDICAL SERVICES PROVIDER OR FIRE DEPARTMENT THAT
17 PROVIDES SERVICES TO SCHOOLS.

18 10. PROVIDE TECHNICAL ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT
19 AGENCIES TO ENHANCE EACH AGENCY'S ABILITY TO RESPOND TO ONLINE THREATS
20 AGAINST ONE OR MORE SCHOOLS.

21 B. THE SCHOOL SAFETY CENTER COUNCIL IS ESTABLISHED TO SUPPORT THE
22 SCHOOL SAFETY CENTER. THE COUNCIL IS COMPOSED OF THE FOLLOWING MEMBERS:

23 1. ONE MEMBER WHO REPRESENTS THE SCHOOL SAFETY CENTER AND WHO IS
24 APPOINTED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

25 2. ONE MEMBER WHO REPRESENTS A STATEWIDE ASSOCIATION OF CHIEFS OF
26 POLICE AND WHO IS APPOINTED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

27 3. ONE MEMBER WHO REPRESENTS A STATEWIDE ASSOCIATION OF SHERIFFS
28 AND WHO IS APPOINTED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

29 4. THE DIRECTOR OF THE DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS
30 OR THE DIRECTOR'S DESIGNEE.

31 5. ONE MEMBER WHO REPRESENTS A STATEWIDE ASSOCIATION OF SCHOOL
32 RESOURCE OFFICERS AND WHO IS APPOINTED BY THE SUPERINTENDENT OF PUBLIC
33 INSTRUCTION.

34 6. ONE MEMBER WHO IS A SUPERINTENDENT OF A SCHOOL THAT IS OPERATED
35 BY A RURAL SCHOOL DISTRICT IN THIS STATE AND WHO IS APPOINTED BY THE
36 SUPERINTENDENT OF PUBLIC INSTRUCTION. FOR THE PURPOSES OF THIS PARAGRAPH,
37 "RURAL" HAS THE SAME MEANING PRESCRIBED IN SECTION 15-249.13.

38 7. ONE MEMBER WHO IS A SUPERINTENDENT OF A SCHOOL THAT IS OPERATED
39 BY A SCHOOL DISTRICT IN THIS STATE AND WHO IS APPOINTED BY THE
40 SUPERINTENDENT OF PUBLIC INSTRUCTION.

41 8. ONE MEMBER WHO IS EMPLOYED BY A PUBLIC SCHOOL IN THIS STATE AS A
42 CERTIFICATED TEACHER AND WHO IS APPOINTED BY THE SUPERINTENDENT OF PUBLIC
43 INSTRUCTION.

1 9. ONE MEMBER WHO IS EMPLOYED BY A SCHOOL DISTRICT IN THIS STATE TO
2 OVERSEE SCHOOL SAFETY AND WHO IS APPOINTED BY THE SUPERINTENDENT OF PUBLIC
3 INSTRUCTION.

4 10. ONE MEMBER WHO REPRESENTS A NONPROFIT CORPORATION THAT OPERATES
5 AS A RISK RETENTION POOL FOR PUBLIC SCHOOLS AND COMMUNITY COLLEGE
6 DISTRICTS IN THIS STATE AND WHO IS APPOINTED BY THE SUPERINTENDENT OF
7 PUBLIC INSTRUCTION.

8 11. ONE MEMBER WHO REPRESENTS A STATEWIDE ORGANIZATION THAT
9 SUPPORTS SCHOOL COUNSELORS AND SOCIAL WORKERS AND WHO IS APPOINTED BY THE
10 SUPERINTENDENT OF PUBLIC INSTRUCTION.

11 12. ONE MEMBER WHO REPRESENTS A UNIVERSITY UNDER THE JURISDICTION
12 OF THE ARIZONA BOARD OF REGENTS, WHO RESEARCHES SCHOOL SAFETY AND WHO IS
13 APPOINTED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

14 13. THE PRESIDENT OF AN ASSOCIATION OF FIRE CHIEFS IN THIS STATE OR
15 THE PRESIDENT'S DESIGNEE.

16 14. ONE MEMBER WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE OF
17 REPRESENTATIVES.

18 15. ONE MEMBER WHO IS APPOINTED BY THE PRESIDENT OF THE SENATE.

19 C. THE MEMBERS OF THE SCHOOL SAFETY CENTER COUNCIL SHALL SELECT A
20 CHAIRPERSON FROM AMONG THE COUNCIL MEMBERS EACH CALENDAR YEAR. MEMBERS ARE
21 NOT ELIGIBLE TO RECEIVE COMPENSATION BUT ARE ELIGIBLE FOR REIMBURSEMENT OF
22 EXPENSES PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2. THE INITIAL MEMBERS
23 SHALL ASSIGN THEMSELVES BY LOT TO TERMS OF TWO, THREE AND FOUR YEARS IN
24 OFFICE. ALL SUBSEQUENT MEMBERS SERVE FOUR-YEAR TERMS OF OFFICE. THE
25 CHAIRPERSON SHALL NOTIFY THE SUPERINTENDENT OF PUBLIC INSTRUCTION, THE
26 SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE OF
27 THESE TERMS. THE DEPARTMENT OF EDUCATION SHALL PROVIDE MEETING SPACE AND
28 ADMINISTRATIVE SUPPORT TO THE COUNCIL.

29 Sec. 6. Section 15-2402, Arizona Revised Statutes, is amended to
30 read:

31 15-2402. Arizona empowerment scholarship accounts; funds

32 A. Arizona empowerment scholarship accounts are established to
33 provide options for the education of students in this state.

34 B. To enroll a qualified student for an Arizona empowerment
35 scholarship account, the parent of the qualified student must sign an
36 agreement to do all of the following:

37 1. Use a portion of the Arizona empowerment scholarship account
38 monies allocated annually to provide an education for the qualified
39 student in at least the subjects of reading, grammar, mathematics, social
40 studies and science, unless the Arizona empowerment scholarship account is
41 allocated monies according to a transfer schedule other than quarterly
42 transfers pursuant to section 15-2403, subsection G.

43 2. Not enroll the qualified student in a school district or charter
44 school and release the school district from all obligations to educate the
45 qualified student. This paragraph does not:

1 (a) Relieve the school district or charter school that the
2 qualified student previously attended from the obligation to conduct an
3 evaluation pursuant to section 15-766.

4 (b) Require the qualified student to withdraw from a school
5 district or charter school before enrolling for an Arizona empowerment
6 scholarship account if the qualified student withdraws from the school
7 district or charter school before receiving any monies in the qualified
8 student's Arizona empowerment scholarship account.

9 (c) Prevent the qualified student from applying in advance for an
10 Arizona empowerment scholarship account to be funded beginning the
11 following school year, subject to section 15-2403, subsection H.

12 3. Not accept a scholarship from a school tuition organization
13 pursuant to title 43 concurrently with an Arizona empowerment scholarship
14 account for the qualified student in the same year a parent signs the
15 agreement pursuant to this section.

16 4. Use monies deposited in the qualified student's Arizona
17 empowerment scholarship account only for the following expenses of the
18 qualified student:

19 (a) Tuition or fees at a qualified school that requires all
20 teaching staff and SCHOOL personnel AND ANY OTHER INDIVIDUALS who have
21 ~~unsupervised~~ contact with students THAT IS NOT SUPERVISED AS DEFINED IN
22 SECTION 15-505 to ~~be fingerprinted~~ APPLY FOR A FINGERPRINT CLEARANCE CARD
23 PURSUANT TO SECTION 15-106 AND TO HAVE A VALID FINGERPRINT CLEARANCE CARD
24 PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1 BEFORE THE INDIVIDUAL MAY
25 PROVIDE SERVICES DIRECTLY TO STUDENTS OR ENGAGE IN UNSUPERVISED CONTACT
26 WITH STUDENTS.

27 (b) Textbooks required by a qualified school.

28 (c) If the qualified student meets any of the criteria specified in
29 section 15-2401, paragraph 7, subdivision (a), item (i), (ii) or (iii) as
30 determined by a school district or by an independent third party pursuant
31 to section 15-2403, subsection J, the qualified student may use the
32 following additional services:

33 (i) Educational therapies from a licensed or accredited
34 practitioner or provider, including and up to any amount not covered by
35 insurance if the expense is partially paid by a health insurance policy
36 for the qualified student.

37 (ii) A licensed or accredited paraprofessional or educational aide.

38 (iii) Tuition for vocational and life skills education approved by
39 the department.

40 (iv) Associated goods and services that include educational and
41 psychological evaluations, assistive technology rentals and braille
42 translation goods and services approved by the department.

43 (d) Tutoring or teaching services provided EITHER by an individual
44 who is AT LEAST EIGHTEEN YEARS OF AGE, HAS A VALID FINGERPRINT CLEARANCE
45 CARD PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1 AND IS not subject to

1 disciplinary action by the state board of education for immoral or
2 unprofessional conduct pursuant to section 15-505 or 15-534.04 or BY a
3 facility that is accredited by a state, regional or national accrediting
4 organization. The department shall ensure any individual who provides
5 tutoring or teaching services to one or more qualified students pursuant
6 to this subdivision ~~is not subject to disciplinary action by the state~~
7 ~~board of education~~ MEETS THE REQUIREMENTS PRESCRIBED BY THIS SUBDIVISION.
8 The department shall also remove any individual who is subject to
9 disciplinary action by the state board of education OR WHO FAILS TO
10 MAINTAIN A VALID FINGERPRINT CLEARANCE CARD PURSUANT TO TITLE 41, CHAPTER
11 12, ARTICLE 3.1 from all platforms that the department provides to parents
12 and qualified students for the purchase of goods or educational services
13 using account monies.

14 (e) Curricula and supplementary materials.

15 (f) Tuition or fees for a nonpublic online learning program.

16 (g) Fees for a nationally standardized norm-referenced achievement
17 test, an advanced placement examination or any exams related to college or
18 university admission.

19 (h) Tuition or fees at an eligible postsecondary institution.

20 (i) Textbooks required by an eligible postsecondary institution.

21 (j) Fees to manage the Arizona empowerment scholarship account.

22 (k) Services provided by a public school, including individual
23 classes and extracurricular programs.

24 (l) Insurance or surety bond payments.

25 (m) Uniforms purchased from or through a qualified school.

26 (n) If the qualified student meets the criteria specified in
27 section 15-2401, paragraph 7, subdivision (a), item (i), (ii) or (iii) and
28 if the qualified student is in the second year prior to the final year of
29 a contract executed pursuant to this article, costs associated with an
30 annual education plan conducted by an independent evaluation team. The
31 department shall prescribe minimum qualifications for independent
32 evaluation teams pursuant to this subdivision and factors that teams must
33 use to determine whether the qualified student shall be eligible to
34 continue to receive monies pursuant to this article through the school
35 year in which the qualified student reaches twenty-two years of age. An
36 independent evaluation team that provides an annual education plan
37 pursuant to this subdivision shall submit a written report that summarizes
38 the results of the evaluation to the parent of the qualified student and
39 to the department on or before July 31. The written report submitted by
40 the independent evaluation team is valid for one year. If the department
41 determines that the qualified student meets the eligibility criteria
42 prescribed in the annual education plan, the qualified student is eligible
43 to continue to receive monies pursuant to this article until the qualified
44 student reaches twenty-two years of age, subject to annual review. A
45 parent may appeal the department's decision pursuant to title 41, chapter

1 6, article 10. As an addendum to a qualified student's final-year
2 contract, the department shall provide the following written information
3 to the parent of the qualified student:

4 (i) That the qualified student will not be eligible to continue to
5 receive monies pursuant to this article unless the results of an annual
6 education plan conducted pursuant to this subdivision demonstrate that the
7 qualified student meets the eligibility criteria prescribed in the annual
8 education plan.

9 (ii) That the parent is entitled to obtain an annual education plan
10 pursuant to this subdivision to determine whether the qualified student
11 meets the eligibility criteria prescribed in the annual education plan.

12 (iii) A list of independent evaluation teams that meet the minimum
13 qualifications prescribed by the department pursuant to this subdivision.

14 (o) Public transportation services in this state, including a
15 commuter pass for the qualified student, or transportation network
16 services as defined in section 28-9551 between the qualified student's
17 residence and a qualified school in which the qualified student is
18 enrolled.

19 (p) Computer hardware and technological devices primarily used for
20 an educational purpose. For the purposes of this subdivision, "computer
21 hardware and technological devices":

22 (i) Includes calculators, personal computers, laptops, tablet
23 devices, microscopes, telescopes and printers.

24 (ii) Does not include entertainment and other primarily
25 noneducational devices, including televisions, telephones, video game
26 consoles and accessories, and home theatre and audio equipment.

27 5. Not file an affidavit of intent to homeschool pursuant to
28 section 15-802, subsection B, paragraph 2 or 3.

29 6. Not use monies deposited in the qualified student's account for
30 any of the following:

31 (a) Computer hardware or other technological devices, except as
32 otherwise allowed under paragraph 4, subdivision (c) or (p) of this
33 subsection.

34 (b) Transportation of the pupil, except for transportation services
35 described in paragraph 4, subdivision (o) of this subsection.

36 (c) NONEDUCATIONAL ITEMS OR LUXURY GOODS, INCLUDING HOUSEHOLD
37 FURNITURE, FIXTURES, ITEMS THAT ARE NOT PRIMARILY USED FOR EDUCATIONAL
38 PURPOSES, COMMERCIAL APPLIANCES, HOUSEHOLD APPLIANCES, COMMERCIAL
39 MACHINERY, HOUSEHOLD MACHINERY, HOME IMPROVEMENTS, PROPERTY IMPROVEMENTS,
40 JEWELRY, LINGERIE, ADMISSION TO WATER PARKS, ADMISSION TO AMUSEMENT PARKS,
41 HOME SWIMMING POOLS, HOT TUBS, SAUNAS, GIFT CARDS, GIFT CERTIFICATES,
42 OUT-OF-STATE TRAVEL, INTERNATIONAL TRAVEL, OUT-OF-STATE MUSEUMS,
43 INTERNATIONAL MUSEUMS, OUT-OF-STATE EXCURSIONS, INTERNATIONAL EXCURSIONS,
44 CHILD CARE, BABYSITTING, RESTAURANT DINING, HOTELS, LODGING, BOUNCE
45 HOUSES, WATER SLIDES, MOTOR VEHICLES AND MOTORIZED WATERCRAFT.

1 C. In exchange for the parent's agreement pursuant to subsection B
 2 of this section, the department shall transfer from the monies that would
 3 otherwise be allocated to a recipient's prior school district, or if the
 4 child is currently eligible to attend a preschool program for children
 5 with disabilities, a kindergarten program or any of grades one through
 6 twelve, the monies that the department determines would otherwise be
 7 allocated to a recipient's expected school district of attendance, to the
 8 treasurer for deposit into an Arizona empowerment scholarship account an
 9 amount that is equivalent to ninety percent of the sum of the base support
 10 level and additional assistance prescribed in sections 15-185 and 15-943
 11 for that particular student if that student were attending a charter
 12 school. THE DEPARTMENT MAY DEPOSIT IN THE DEPARTMENT OF EDUCATION
 13 EMPOWERMENT SCHOLARSHIP ACCOUNT FUND ESTABLISHED BY SUBSECTION D OF THIS
 14 SECTION MONIES THAT THE DEPARTMENT WOULD OTHERWISE ALLOCATE TO A QUALIFIED
 15 STUDENT'S PRIOR SCHOOL DISTRICT OR EXPECTED SCHOOL DISTRICT OF ATTENDANCE,
 16 WHICHEVER APPLIES, AN AMOUNT THAT IS NOT MORE THAN ONE-HALF OF ONE PERCENT
 17 OF THE SUM OF THE BASE SUPPORT LEVEL AND ADDITIONAL ASSISTANCE PRESCRIBED
 18 IN SECTIONS 15-185 AND 15-943 FOR THE QUALIFIED STUDENT IF THE QUALIFIED
 19 STUDENT WERE ATTENDING A CHARTER SCHOOL.

20 D. The department of education empowerment scholarship account fund
 21 is established consisting of monies appropriated by the legislature AND
 22 MONIES DEPOSITED PURSUANT TO SUBSECTION C OF THIS SECTION. THE DEPARTMENT
 23 SHALL SEPARATELY ACCOUNT FOR MONIES THAT ARE DEPOSITED PURSUANT TO
 24 SUBSECTION C OF THIS SECTION. The department shall administer the fund.
 25 Monies in the fund are subject to legislative appropriation. Monies in
 26 the fund shall be used for the department's costs in administering Arizona
 27 empowerment scholarship accounts under this chapter, INCLUDING TECHNOLOGY
 28 AND PERSONNEL NECESSARY FOR VERIFYING ELIGIBILITY, REVIEWING EXPENDITURES
 29 AND MANAGING ACCOUNTS. Monies in the fund are exempt from the provisions
 30 of section 35-190 relating to lapsing of appropriations. ON OR BEFORE
 31 AUGUST 1 OF EACH YEAR, THE DEPARTMENT SHALL PRESENT TO THE STATE BOARD OF
 32 EDUCATION A DETAILED EXPENDITURE PLAN FOR THE FUND. IF THE COSTS TO
 33 ADMINISTER THE ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNTS INCREASE, THE
 34 STATE BOARD OF EDUCATION SHALL SUBMIT TO THE STAFF OF THE JOINT
 35 LEGISLATIVE BUDGET COMMITTEE AND THE GOVERNOR'S OFFICE OF STRATEGIC
 36 PLANNING AND BUDGETING NOT LATER THAN OCTOBER 1 A REPORT THAT EXPLAINS THE
 37 INCREASED COSTS AND RECOMMENDS AN INCREASE IN THE AMOUNT OF MONIES THAT
 38 ARE DEPOSITED IN THE FUND PURSUANT TO SUBSECTION C OF THIS SECTION. If
 39 the number of Arizona empowerment scholarship accounts significantly
 40 increases after fiscal year 2020-2021, the department may request an
 41 increase in the amount appropriated to the fund in any subsequent fiscal
 42 year in the budget estimate submitted pursuant to section 35-113. The
 43 department shall list monies in the fund as a separate line item in ~~its~~
 44 THE DEPARTMENT'S budget estimate.

1 E. The state treasurer empowerment scholarship account fund is
 2 established consisting of monies appropriated by the legislature. The
 3 state treasurer shall administer the fund. Monies in the fund shall be
 4 used for the state treasurer's costs in administering the Arizona
 5 empowerment scholarship accounts under this chapter. If the number of
 6 Arizona empowerment scholarship accounts significantly increases after
 7 fiscal year 2020-2021, the state treasurer may request an increase in the
 8 amount appropriated to the fund in any subsequent fiscal year in the
 9 budget estimate submitted pursuant to section 35-113. Monies in the fund
 10 are subject to legislative appropriation. Monies in the fund are exempt
 11 from the provisions of section 35-190 relating to lapsing of
 12 appropriations. The state treasurer shall list monies in the fund as a
 13 separate line item in its budget estimate.

14 F. A parent must renew the qualified student's Arizona empowerment
 15 scholarship account on an annual basis. The department of education shall
 16 verify that the parent's child is a qualified student as defined in
 17 section 15-2401 or 15-2401.01 in the year for which the parent seeks to
 18 renew the Arizona empowerment scholarship account. This subsection does
 19 not require the department to annually verify the child's disability for
 20 the purpose of section 15-2401, paragraph 7, subdivision (a), item (i),
 21 (ii) or (iii), if applicable.

22 G. Notwithstanding any changes to the student's multidisciplinary
 23 evaluation team plan, a student who has previously qualified for an
 24 Arizona empowerment scholarship account remains eligible to apply for
 25 renewal until the student finishes high school.

26 H. If a parent does not renew the qualified student's Arizona
 27 empowerment scholarship account for ~~a period of three~~ ONE academic ~~years~~
 28 YEAR, the department shall notify the parent that the qualified student's
 29 account will be closed in sixty calendar days. The notification must be
 30 sent ~~through~~ BY certified mail, email and telephone, if applicable. The
 31 parent has sixty calendar days to renew the qualified student's Arizona
 32 empowerment scholarship account. If the parent chooses not to renew or
 33 does not respond ~~in~~ WITHIN sixty calendar days, the department shall close
 34 the account and THE TREASURER SHALL TRANSFER any remaining monies ~~shall be~~
 35 ~~returned~~ to the state GENERAL FUND.

36 I. A signed agreement under this section constitutes school
 37 attendance required by section 15-802.

38 J. A qualified school or a provider of services purchased pursuant
 39 to subsection B, paragraph 4 of this section may not share, refund or
 40 rebate any Arizona empowerment scholarship account monies with the parent
 41 or qualified student in any manner.

42 K. Notwithstanding subsection H of this section, on the qualified
 43 student's graduation from a postsecondary institution or after any period
 44 of four consecutive years after high school graduation in which the
 45 student is not enrolled in an eligible postsecondary institution, but not

1 before this time as long as the account holder continues using a portion
2 of account monies for allowable expenses each year and is in good
3 standing, the qualified student's Arizona empowerment scholarship account
4 shall be closed and any remaining monies shall be returned to the state.

5 L. Monies received pursuant to this article do not constitute
6 taxable income to the parent of the qualified student.

7 M. BEGINNING IN THE 2027-2028 SCHOOL YEAR, IF THE AMOUNT OF
8 UNEXPENDED AND UNENCUMBERED MONIES REMAINING IN THE ARIZONA EMPOWERMENT
9 SCHOLARSHIP ACCOUNT OF A QUALIFIED STUDENT ON JUNE 30 EXCEEDS THE MAXIMUM
10 PRIOR YEAR CARRYFORWARD, THE TREASURER SHALL TRANSFER THE EXCESS AMOUNT TO
11 THE STATE GENERAL FUND. FOR THE PURPOSES OF THIS SUBSECTION, THE MAXIMUM
12 PRIOR YEAR CARRYFORWARD IS:

13 1. \$50,000 FOR THE ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNT OF A
14 QUALIFIED STUDENT WHO MEETS ANY OF THE CRITERIA SPECIFIED IN SECTION
15 15-2401, PARAGRAPH 7, SUBDIVISION (a), ITEM (i), (ii) OR (iii).

16 2. \$24,000 FOR THE ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNT OF A
17 QUALIFIED STUDENT WHO DOES NOT MEET ANY OF THE CRITERIA SPECIFIED IN
18 SECTION 15-2401, PARAGRAPH 7, SUBDIVISION (a), ITEM (i), (ii) OR (iii).

19 Sec. 7. Section 15-2403, Arizona Revised Statutes, is amended to
20 read:

21 15-2403. Arizona empowerment scholarship accounts;
22 administration; appeals; risk-based audits; rules;
23 policy handbook

24 A. The treasurer may contract with private financial management
25 firms to manage Arizona empowerment scholarship accounts.

26 B. The department shall conduct or contract for annual audits of
27 Arizona empowerment scholarship accounts to ensure compliance with section
28 15-2402, subsection B, paragraph 4. The department shall also conduct or
29 contract for random, quarterly and annual audits of Arizona empowerment
30 scholarship accounts as needed to ensure compliance with section 15-2402,
31 subsection B, paragraph 4. The department, in consultation with the
32 office of the auditor general, shall develop risk-based auditing
33 procedures for audits conducted pursuant to this subsection.

34 C. The department shall annually review a sample of Arizona
35 empowerment scholarship accounts, selected at random, to determine whether
36 the parent or qualified student is in compliance with the terms of the
37 contract, applicable laws, rules and orders relating to the Arizona
38 empowerment scholarship accounts program. The Arizona empowerment
39 scholarship account of a parent or qualified student who is in good
40 standing may be randomly selected pursuant to this subsection only one
41 time during any five-year period. The department may remove any parent or
42 qualified student from eligibility for an Arizona empowerment scholarship
43 account if the parent or qualified student fails to comply with the terms
44 of the contract or applicable laws, rules or orders or knowingly misuses
45 monies or knowingly fails to comply with the terms of the contract with

1 intent to defraud and shall notify the treasurer. The department shall
2 notify the treasurer to suspend the account of a parent or qualified
3 student and shall notify the parent or qualified student in writing that
4 the account has been suspended and that no further transactions will be
5 allowed or disbursements made. The notification shall specify the reason
6 for the suspension and state that the parent or qualified student has
7 fifteen days, not including weekends, to respond and take corrective
8 action. If the parent or qualified student refuses or fails to contact
9 the department, furnish any information or make any report that may be
10 required for reinstatement within the fifteen-day period, the department
11 may remove the parent or qualified student pursuant to this subsection.

12 D. A parent may appeal to the state board of education any
13 administrative decision the department makes pursuant to this article,
14 including determinations of allowable expenses, removal from the program
15 or enrollment eligibility. The department shall notify the parent in
16 writing that the parent may appeal any administrative decision under this
17 article and the process by which the parent may appeal at the same time
18 the department notifies the parent of an administrative decision under
19 this article. The state board of education shall establish an appeals
20 process, and the department shall post this information on the
21 department's website in the same location as the policy handbook developed
22 pursuant to subsection K of this section.

23 E. A parent may represent himself or herself or designate a
24 representative, not necessarily an attorney, before any appeals hearing
25 held pursuant to this section. Any designated representative who is not
26 an attorney admitted to practice may not charge for any services rendered
27 in connection with the hearing. The fact that a representative
28 participated in the hearing or assisted the account holder is not grounds
29 for reversing any administrative decision or order if the evidence
30 supporting the decision or order is substantial, reliable and probative.

31 F. The state board of education may refer cases of substantial
32 misuse of monies to the attorney general for the purpose of collection or
33 for the purpose of a criminal investigation if the state board of
34 education obtains evidence of fraudulent use of an account.

35 G. The department shall make quarterly transfers ~~of the amount~~
36 ~~calculated~~ pursuant to section 15-2402, subsection C to the treasurer for
37 deposit in the Arizona empowerment scholarship account of each qualified
38 student, except the department may make transfers according to another
39 transfer schedule if the department determines a transfer schedule other
40 than quarterly transfers is necessary to operate the Arizona empowerment
41 scholarship account.

42 H. The department shall accept applications between July 1 and June
43 30 of each year. The department shall issue an award letter to eligible
44 applicants within thirty days after receipt of a completed application and
45 all required documentation. If an eligible applicant completes an

1 application in advance for an Arizona empowerment scholarship account to
 2 be funded beginning on a later date, the department may enroll the
 3 eligible applicant on the later date, except that the department may not
 4 enroll the applicant more than two fiscal quarters after the fiscal
 5 quarter in which the application is completed or on a date that is after
 6 March 31 and before July 1. If an eligible applicant completes an
 7 application after March 31 and before July 1, the department shall enroll
 8 the applicant on or after July 1. The department shall enroll all other
 9 eligible applicants when the department issues an award letter pursuant to
 10 this subsection. This subsection does not allow a qualified student to
 11 receive monies in an Arizona empowerment scholarship account while the
 12 qualified student is enrolled in a school district or charter school. On
 13 or before September 1 and November 1 of each year, the department shall
 14 furnish to the joint legislative budget committee and the governor's
 15 office of strategic planning and budgeting an estimate of the amount
 16 required to fund Arizona empowerment scholarship accounts for the
 17 following fiscal year. The department shall include in its budget request
 18 for the following fiscal year the amount estimated pursuant to section
 19 15-2402, subsection C for each qualified student.

20 I. The state board of education may adopt rules and policies
 21 necessary to administer Arizona empowerment scholarship accounts,
 22 including rules and policies:

23 1. For establishing an appeals process pursuant to subsection D of
 24 this section.

25 2. For conducting or contracting for examinations of the use of
 26 account monies, consistent with subsection L of this section.

27 3. For conducting or contracting for random, quarterly and annual
 28 reviews of accounts.

29 4. For establishing or contracting for the establishment of an
 30 online anonymous fraud reporting service.

31 5. For establishing an anonymous telephone hotline for fraud
 32 reporting.

33 6. That require a surety bond or insurance for account holders.

34 J. The department shall contract with an independent third party
 35 for the purposes of determining whether a qualified student is eligible to
 36 receive educational therapies or services pursuant to section 15-2402,
 37 subsection B, paragraph 4, subdivision (c). If during any period on or
 38 after January 1, 2023 the department fails to ensure that a contract with
 39 an independent third party is in effect, during that period:

40 1. The county school superintendent of each county may approve a
 41 list of independent third parties within the county whose evaluation may
 42 be used to determine whether a qualified student who resides within the
 43 county is eligible to receive educational therapies or services pursuant
 44 to section 15-2402, subsection B, paragraph 4, subdivision (c).

1 2. If the county school superintendent of a county does not provide
2 a list of approved independent third parties within ninety days after the
3 beginning of any period during which the department does not have a
4 contract with an independent third party in effect as described in this
5 subsection, the parent of a qualified student who resides within the
6 county has the right to obtain an independent educational evaluation from
7 a qualified examiner to determine whether the qualified student is
8 eligible to receive educational therapies or services pursuant to section
9 15-2402, subsection B, paragraph 4, subdivision (c). The expense for an
10 educational evaluation undertaken pursuant to this paragraph shall be
11 provided by the school district within which the qualified student resides
12 and that serves the grade level of the qualified student. For the
13 purposes of this paragraph, "qualified examiner" means a licensed
14 physician, psychiatrist or psychologist.

15 K. On or before July 1 of each year, the department shall develop
16 an applicant and participant handbook that includes information relating
17 to policies and processes of Arizona empowerment scholarship accounts. The
18 policy handbook shall comply with the rules adopted by the state board of
19 education pursuant to this section. The department shall post the
20 handbook on the department's website.

21 L. The department shall:

22 1. Establish and maintain an online database of allowable and
23 disallowed categories of expenses and provide a link to the database on
24 the department's website.

25 2. Allow the use of account monies to reimburse the parent of a
26 qualified student or a qualified student for the purchase of a good or
27 educational service that is an allowable expense pursuant to section
28 15-2402, subsection B.

29 M. Except for cases in which the attorney general determines that a
30 parent or account holder has committed fraud, any expenditure from an
31 Arizona empowerment scholarship account for a purchase that the department
32 determines is not an allowable expense pursuant to section 15-2402 and
33 that is subsequently repaid by the parent or account holder shall be
34 credited back to the Arizona empowerment scholarship account balance
35 within thirty days after the receipt of payment.

36 N. If, in response to an appeal of an administrative decision made
37 by the department, the state board of education issues a stay of an
38 Arizona empowerment scholarship account suspension pursuant to rules
39 adopted by the board, the department may not withhold funding or contract
40 renewal for the account holder because of the appealed administrative
41 decision during the stay unless directed by the board to do so.

1 Sec. 8. Section 15-2404, Arizona Revised Statutes, is amended to
2 read:

3 15-2404. State control over nonpublic schools; prohibition;
4 application

5 A. This chapter does not ~~permit~~ ALLOW any government agency to
6 exercise control or supervision over any nonpublic school or homeschool.

7 B. A qualified school that accepts a payment from a parent pursuant
8 to this chapter is not an agent of the state or federal government.

9 C. EXCEPT AS PROVIDED IN SECTION 15-106 AND SECTION 15-2402,
10 SUBSECTION B, a qualified school shall not be required to alter its creed,
11 practices, admissions policy or curriculum in order to accept students
12 whose parents pay tuition or fees from an ARIZONA empowerment scholarship
13 account pursuant to this chapter in order to participate as a qualified
14 school.

15 D. In any legal proceeding challenging the application of this
16 chapter to a qualified school, the state bears the burden of establishing
17 that the law is necessary and does not impose any undue burden on
18 qualified schools.

19 Sec. 9. Section 41-619.51, Arizona Revised Statutes, is amended to
20 read:

21 41-619.51. Definitions

22 In this article, unless the context otherwise requires:

23 1. "Agency" means the supreme court, the department of economic
24 security, the department of child safety, the department of education, the
25 department of health services, the department of juvenile corrections, the
26 department of emergency and military affairs, the department of public
27 safety, the department of transportation, the state real estate
28 department, the department of insurance and financial institutions, the
29 Arizona game and fish department, the Arizona department of agriculture,
30 the board of examiners of nursing care institution administrators and
31 assisted living facility managers, the state board of dental examiners,
32 the Arizona state board of pharmacy, the board of physical therapy, the
33 state board of psychologist examiners, the board of athletic training, the
34 board of occupational therapy examiners, the state board of podiatry
35 examiners, the acupuncture board of examiners, the state board of
36 technical registration, the board of massage therapy, the board of
37 behavioral health examiners or the Arizona department of housing.

38 2. "Board" means the board of fingerprinting.

39 3. "Central registry exception" means notification to the
40 department of economic security, the department of child safety or the
41 department of health services, as appropriate, pursuant to section
42 41-619.57 that the person is not disqualified because of a central
43 registry check conducted pursuant to section 8-804.

1 4. "Expedited review" means an examination, in accordance with
2 board rule, of the documents an applicant submits by the board or its
3 hearing officer without the applicant being present.

4 5. "Good cause exception" means the issuance of a fingerprint
5 clearance card to an employee pursuant to section 41-619.55.

6 6. "Person" means a person who is required to be fingerprinted
7 pursuant to this article or who is subject to a central registry check and
8 any of the following:

9 (a) Section 3-314.

10 (b) Section 8-105.

11 (c) Section 8-322.

12 (d) Section 8-463.

13 (e) Section 8-509.

14 (f) Section 8-802.

15 (g) Section 8-804.

16 (h) SECTION 15-154.

17 ~~(i)~~ (i) Section 15-183.

18 ~~(j)~~ (j) Section 15-503.

19 ~~(k)~~ (k) Section 15-512.

20 ~~(l)~~ (l) Section 15-534.

21 ~~(m)~~ (m) Section 15-763.01.

22 ~~(n)~~ (n) Section 15-782.02.

23 ~~(o)~~ (o) Section 15-1330.

24 ~~(p)~~ (p) Section 15-1881.

25 (q) SECTION 15-2402.

26 ~~(r)~~ (r) Section 17-215.

27 ~~(s)~~ (s) Section 28-3228.

28 ~~(t)~~ (t) Section 28-3413.

29 ~~(u)~~ (u) Section 32-122.02.

30 ~~(v)~~ (v) Section 32-122.05.

31 ~~(w)~~ (w) Section 32-122.06.

32 ~~(x)~~ (x) Section 32-823.

33 ~~(y)~~ (y) Section 32-1232.

34 ~~(z)~~ (z) Section 32-1276.01.

35 ~~(aa)~~ (aa) Section 32-1284.

36 ~~(ab)~~ (bb) Section 32-1297.01.

37 ~~(ac)~~ (cc) Section 32-1904.

38 ~~(ad)~~ (dd) Section 32-1941.

39 ~~(ae)~~ (ee) Section 32-1982.

40 ~~(af)~~ (ff) Section 32-2022.

41 ~~(ag)~~ (gg) Section 32-2063.

42 ~~(ah)~~ (hh) Section 32-2108.01.

43 ~~(ai)~~ (ii) Section 32-2123.

44 ~~(aj)~~ (jj) Section 32-2371.

45 ~~(ak)~~ (kk) Section 32-3271.

1 ~~(jj)~~ (ll) Section 32-3430.
 2 ~~(kk)~~ (mm) Section 32-3620.
 3 ~~(tt)~~ (nn) Section 32-3668.
 4 ~~(mm)~~ (oo) Section 32-3669.
 5 ~~(nn)~~ (pp) Section 32-3922.
 6 ~~(oo)~~ (qq) Section 32-3924.
 7 ~~(pp)~~ (rr) Section 32-4128.
 8 ~~(qq)~~ (ss) Section 32-4222.
 9 ~~(rr)~~ (tt) Section 36-113.
 10 ~~(ss)~~ (uu) Section 36-207.
 11 ~~(tt)~~ (vv) Section 36-411.
 12 ~~(uu)~~ (ww) Section 36-425.03.
 13 ~~(vv)~~ (xx) Section 36-446.04.
 14 ~~(ww)~~ (yy) Section 36-594.01.
 15 ~~(xx)~~ (zz) Section 36-594.02.
 16 ~~(yy)~~ (aaa) Section 36-766.01.
 17 ~~(zz)~~ (bbb) Section 36-882.
 18 ~~(aaa)~~ (ccc) Section 36-883.02.
 19 ~~(bbb)~~ (ddd) Section 36-897.01.
 20 ~~(ccc)~~ (eee) Section 36-897.03.
 21 ~~(ddd)~~ (fff) Section 36-1940.
 22 ~~(eee)~~ (ggg) Section 36-1940.01.
 23 ~~(fff)~~ (hhh) Section 36-2069.
 24 ~~(ggg)~~ (iii) Section 36-3008.
 25 ~~(hhh)~~ (jjj) Section 41-619.53.
 26 ~~(iii)~~ (kkk) Section 41-1964.
 27 ~~(jjj)~~ (lll) Section 41-1967.01.
 28 ~~(kkk)~~ (mmm) Section 41-1968.
 29 ~~(lll)~~ (nnn) Section 41-1969.
 30 ~~(mmm)~~ (ooo) Section 41-2814.
 31 ~~(nnn)~~ (ppp) Section 41-4025.
 32 ~~(ooo)~~ (qqq) Section 46-141, subsection A or B.
 33 ~~(ppp)~~ (rrr) Section 46-321.
 34 Sec. 10. Section 41-1750, Arizona Revised Statutes, is amended to
 35 read:
 36 41-1750. Central state repository; department of public
 37 safety; duties; funds; accounts; definitions
 38 A. The department is responsible for the effective operation of the
 39 central state repository in order to collect, store and disseminate
 40 complete and accurate Arizona criminal history records and related
 41 criminal justice information. The department may procure criminal history
 42 records and related criminal justice information for violations that are
 43 not listed in this section. The department shall:
 44 1. Procure from all criminal justice agencies in this state
 45 accurate and complete personal identification data, fingerprints, charges,

1 process control numbers and dispositions and such other information as may
2 be pertinent to all persons who have been charged with, arrested for,
3 convicted of or summoned to court as a criminal defendant for any of the
4 following:

5 (a) A felony offense or an offense involving domestic violence as
6 defined in section 13-3601.

7 (b) A violation of title 13, chapter 14 or title 28, chapter 4.

8 (c) An offense listed in:

9 (i) Section 32-2422, subsection A, paragraph 4.

10 (ii) Section 32-2441, paragraph 4.

11 (iii) Section 32-2612, subsection A, paragraph 4.

12 (iv) Section 32-2622, subsection A, paragraph 4.

13 (v) Section 41-1758.03, subsections B and C.

14 (vi) Section 41-1758.07, subsections B and C.

15 2. Collect information concerning the number and nature of offenses
16 known to have been committed in this state and of the legal steps taken in
17 connection with these offenses, such other information that is useful in
18 the study of crime and in the administration of criminal justice and all
19 other information deemed necessary to operate the statewide uniform crime
20 reporting program and to cooperate with the federal government uniform
21 crime reporting program.

22 3. Collect information concerning criminal offenses that manifest
23 evidence of prejudice based on race, color, religion, national origin,
24 sexual orientation, gender, antisemitism or disability.

25 4. Cooperate with the central state repositories in other states
26 and with the appropriate agency of the federal government in the exchange
27 of information pertinent to violators of the law.

28 5. Ensure the rapid exchange of information concerning the
29 commission of crime and the detection of violators of the law among the
30 criminal justice agencies of other states and of the federal government.

31 6. Furnish assistance to peace officers throughout this state in
32 crime scene investigation for the detection of latent fingerprints and in
33 the comparison of latent fingerprints.

34 7. Conduct periodic operational audits of the central state
35 repository and of a representative sample of other agencies that
36 contribute records to or receive criminal justice information from the
37 central state repository or through the Arizona criminal justice
38 information system.

39 8. Establish and enforce the necessary physical and system
40 safeguards to ensure that the criminal justice information maintained and
41 disseminated by the central state repository or through the Arizona
42 criminal justice information system is appropriately protected from
43 unauthorized inquiry, modification, destruction or dissemination as
44 required by this section.

1 9. Aid and encourage coordination and cooperation among criminal
2 justice agencies through the statewide and interstate exchange of criminal
3 justice information.

4 10. Provide training and proficiency testing on the use of criminal
5 justice information to agencies receiving information from the central
6 state repository or through the Arizona criminal justice information
7 system.

8 11. Operate and maintain the Arizona automated fingerprint
9 identification system established by section 41-2411.

10 12. Provide criminal history record information to the
11 fingerprinting division for the purpose of screening applicants for
12 fingerprint clearance cards.

13 B. The director may establish guidelines for the submission and
14 retention of criminal justice information as deemed useful for the study
15 or prevention of crime and for the administration of criminal justice.

16 C. Criminal justice agencies may provide criminal history records
17 and related criminal justice information for violations that are not
18 listed in this section. Except for the requirements listed in subsection
19 U of this section, the chief officers of criminal justice agencies of this
20 state or its political subdivisions shall provide to the central state
21 repository fingerprints and information concerning personal identification
22 data, descriptions, crimes for which persons are arrested, process control
23 numbers and dispositions and such other information, including other
24 biometric data, as may be pertinent to all persons who have been charged
25 with, arrested for, convicted of or summoned to court as criminal
26 defendants for any of the following:

27 1. Felony offenses or offenses involving domestic violence as
28 defined in section 13-3601.

29 2. Violations of title 13, chapter 14 or title 28, chapter 4 that
30 have occurred in this state.

31 3. An offense listed in:

32 (a) Section 32-2422, subsection A, paragraph 4.

33 (b) Section 32-2441, paragraph 4.

34 (c) Section 32-2612, subsection A, paragraph 4.

35 (d) Section 32-2622, subsection A, paragraph 4.

36 (e) Section 41-1758.03, subsections B and C.

37 (f) Section 41-1758.07, subsections B and C.

38 D. The chief officers of law enforcement agencies of this state or
39 its political subdivisions shall provide to the department such
40 information as necessary to operate the statewide uniform crime reporting
41 program and to cooperate with the federal government uniform crime
42 reporting program.

43 E. The chief officers of criminal justice agencies of this state or
44 its political subdivisions shall comply with the training and proficiency

1 testing guidelines as required by the department to comply with the
2 federal national crime information center mandates.

3 F. The chief officers of criminal justice agencies of this state or
4 its political subdivisions also shall provide to the department
5 information concerning crimes that manifest evidence of prejudice based on
6 race, color, religion, national origin, sexual orientation, gender,
7 antisemitism or disability.

8 G. The director shall authorize the exchange of criminal justice
9 information between the central state repository, or through the Arizona
10 criminal justice information system, whether directly or through any
11 intermediary, only as follows:

12 1. With criminal justice agencies of the federal government, Indian
13 tribes, this state or its political subdivisions and other states, on
14 request by the chief officers of such agencies or their designated
15 representatives, specifically for the purposes of the administration of
16 criminal justice and for evaluating the fitness of current and prospective
17 criminal justice employees. Fingerprints submitted pursuant to this
18 paragraph may be searched through the department and the federal bureau of
19 investigation to conduct criminal history records checks. The department
20 may conduct criminal history records checks through state and federal rap
21 back services for the purpose of updating the status of current criminal
22 justice employees or volunteers and may notify the criminal justice agency
23 of the results of the records check. The department is authorized to
24 submit fingerprints to the federal bureau of investigation to be retained
25 for the purpose of being searched by future submissions to the federal
26 bureau of investigation, including latent fingerprint searches. The
27 department may retain fingerprints submitted pursuant to this paragraph
28 for the purpose of being searched by future submissions to the department,
29 including latent fingerprint searches.

30 2. With any noncriminal justice agency pursuant to a statute,
31 ordinance or executive order that specifically authorizes the noncriminal
32 justice agency to receive criminal history record information for the
33 purpose of evaluating the fitness of current or prospective licensees,
34 employees, contract employees or volunteers, on submission of the
35 subject's fingerprints and the prescribed fee. Each statute, ordinance,
36 or executive order that authorizes noncriminal justice agencies to receive
37 criminal history record information for these purposes shall identify the
38 specific categories of licensees, employees, contract employees or
39 volunteers and shall require that fingerprints of the specified
40 individuals be submitted in conjunction with such requests for criminal
41 history record information. Fingerprints submitted pursuant to this
42 paragraph may be searched through the department and the federal bureau of
43 investigation to conduct criminal history records checks. The department
44 may conduct criminal history records checks through state and federal rap
45 back services for the purpose of updating the status of current licensees,

1 employees, contract employees or volunteers and may notify the noncriminal
2 justice agency of the results of the records check. The department is
3 authorized to submit fingerprints to the federal bureau of investigation
4 to be retained for the purpose of being searched by future submissions to
5 the federal bureau of investigation, including latent fingerprint
6 searches. The department is authorized to retain fingerprints submitted
7 pursuant to this paragraph for the purpose of being searched by future
8 submissions to the department, including latent fingerprint searches.

9 3. With the board of fingerprinting for the purpose of conducting
10 good cause exceptions pursuant to section 41-619.55 and central registry
11 exceptions pursuant to section 41-619.57.

12 4. With any individual for any lawful purpose on submission of the
13 subject of record's fingerprints and the prescribed fee.

14 5. With the governor, if the governor elects to become actively
15 involved in the investigation of criminal activity or the administration
16 of criminal justice in accordance with the governor's constitutional duty
17 to ensure that the laws are faithfully executed or as needed to carry out
18 the other responsibilities of the governor's office.

19 6. With regional computer centers that maintain authorized
20 computer-to-computer interfaces with the department, that are criminal
21 justice agencies or under the management control of a criminal justice
22 agency and that are established by a statute, ordinance or executive order
23 to provide automated data processing services to criminal justice agencies
24 specifically for the purposes of the administration of criminal justice or
25 evaluating the fitness of regional computer center employees who have
26 access to the Arizona criminal justice information system and the national
27 crime information center system.

28 7. With an individual who asserts a belief that criminal history
29 record information relating to the individual is maintained by an agency
30 or in an information system in this state that is subject to this section.
31 On submission of fingerprints, the individual may review this information
32 for the purpose of determining its accuracy and completeness by making
33 application to the agency operating the system. Rules adopted under this
34 section shall include provisions for administrative review and necessary
35 correction of any inaccurate or incomplete information. The review and
36 challenge process authorized by this paragraph is limited to criminal
37 history record information.

38 8. With individuals and agencies pursuant to a specific agreement
39 with a criminal justice agency to provide services required for the
40 administration of criminal justice pursuant to that agreement if the
41 agreement specifically authorizes access to data, limits the use of data
42 to purposes for which given and ensures the security and confidentiality
43 of the data consistent with this section.

44 9. With individuals and agencies for the express purpose of
45 research, evaluative or statistical activities pursuant to an agreement

1 with a criminal justice agency if the agreement specifically authorizes
2 access to data, limits the use of data to research, evaluative or
3 statistical purposes and ensures the confidentiality and security of the
4 data consistent with this section.

5 10. With the auditor general for audit purposes.

6 11. With central state repositories of other states for noncriminal
7 justice purposes for dissemination in accordance with the laws of those
8 states.

9 12. On submission of the fingerprint card, with the department of
10 child safety and a tribal social services agency to provide criminal
11 history record information on prospective adoptive parents for the purpose
12 of conducting the preadoption certification investigation under title 8,
13 chapter 1, article 1 if the department of economic security is conducting
14 the investigation, or with an agency or a person appointed by the court,
15 if the agency or person is conducting the investigation. Information
16 received under this paragraph shall only be used for the purposes of the
17 preadoption certification investigation.

18 13. With the department of child safety, a tribal social services
19 agency and the superior court for the purpose of evaluating the fitness of
20 custodians or prospective custodians of juveniles, including parents,
21 relatives and prospective guardians. Information received under this
22 paragraph shall only be used for the purposes of that evaluation. The
23 information shall be provided on submission of either:

24 (a) The fingerprint card.

25 (b) The name, date of birth and social security number of the
26 person.

27 14. On submission of a fingerprint card, provide criminal history
28 record information to the superior court for the purpose of evaluating the
29 fitness of investigators appointed under section 14-5303 or 14-5407,
30 guardians appointed under section 14-5206 or 14-5304 or conservators
31 appointed under section 14-5401.

32 15. With the supreme court to provide criminal history record
33 information on prospective fiduciaries pursuant to section 14-5651.

34 16. With the department of juvenile corrections to provide criminal
35 history record information pursuant to section 41-2814.

36 17. On submission of the fingerprint card, provide criminal history
37 record information to the Arizona peace officer standards and training
38 board or a board certified law enforcement academy to evaluate the fitness
39 of prospective cadets.

40 18. With the internet sex offender website database established
41 pursuant to section 13-3827.

42 19. With licensees of the United States nuclear regulatory
43 commission for the purpose of determining whether an individual should be
44 granted unescorted access to the protected area of a commercial nuclear

1 generating station on submission of the subject of record's fingerprints
2 and the prescribed fee.

3 20. With the state board of education for the purpose of evaluating
4 the fitness of a certificated educator, an applicant for a teaching or
5 administrative certificate or a noncertificated person as defined in
6 section 15-505 if the state board of education or its employees or agents
7 have reasonable suspicion that the educator or person engaged in conduct
8 that would be a criminal violation of the laws of this state or was
9 involved in immoral or unprofessional conduct or that the applicant
10 engaged in conduct that would warrant disciplinary action if the applicant
11 were certificated at the time of the alleged conduct. The information
12 shall be provided on the submission of either:

13 (a) The fingerprint card.

14 (b) The name, date of birth and social security number of the
15 person.

16 21. With each school district and charter school in this state **AND**
17 **WITH EACH QUALIFIED SCHOOL THAT ACCEPTS PAYMENT FROM THE PARENT OF ONE OR**
18 **MORE QUALIFIED STUDENTS PURSUANT TO TITLE 15, CHAPTER 19.** The department
19 of education and the state board for charter schools shall provide the
20 department of public safety with a current list of email addresses for
21 each school district, ~~and~~ charter school **AND QUALIFIED SCHOOL** in this
22 state and shall periodically provide the department of public safety with
23 updated email addresses. If the department of public safety is notified
24 that a person who is required to have a fingerprint clearance card to be
25 employed by or to engage in volunteer activities at a school district, ~~or~~
26 charter school **OR QUALIFIED SCHOOL** has been arrested for or convicted of
27 an offense listed in section 41-1758.03, subsection B or has been arrested
28 for or convicted of an offense that amounts to unprofessional conduct
29 under section 15-550, the department of public safety shall notify each
30 school district, ~~and~~ charter school **AND QUALIFIED SCHOOL** in this state
31 that the person's fingerprint clearance card has been suspended or
32 revoked.

33 22. With a tribal social services agency and the department of
34 child safety as provided by law, which currently is the Adam Walsh child
35 protection and safety act of 2006 (42 United States Code section 16961),
36 for the purposes of investigating or responding to reports of child abuse,
37 neglect or exploitation. Information received pursuant to this paragraph
38 from the national crime information center, the interstate identification
39 index and the Arizona criminal justice information system network shall
40 only be used for the purposes of investigating or responding as prescribed
41 in this paragraph. The information shall be provided on submission to the
42 department of public safety of either:

43 (a) The fingerprints of the person being investigated.

44 (b) The name, date of birth and social security number of the
45 person.

1 23. With a nonprofit organization that interacts with children or
2 vulnerable adults for the lawful purpose of evaluating the fitness of all
3 current and prospective employees, contractors and volunteers of the
4 organization. The criminal history record information shall be provided
5 on submission of the applicant's fingerprint card and the prescribed fee.
6 Fingerprints submitted pursuant to this paragraph may be searched by the
7 department to conduct state criminal history records checks.

8 24. With the superior court for the purpose of determining an
9 individual's eligibility for substance abuse and treatment courts in a
10 family or juvenile case.

11 25. With the governor to provide criminal history record
12 information on prospective gubernatorial nominees, appointees and
13 employees as provided by law.

14 H. The director shall adopt rules necessary to execute this
15 section.

16 I. The director, in the manner prescribed by law, shall remove and
17 destroy records that the director determines are no longer of value in the
18 detection or prevention of crime.

19 J. The director shall establish a fee in an amount necessary to
20 cover the cost of federal noncriminal justice fingerprint processing for
21 criminal history record information checks that are authorized by law for
22 noncriminal justice employment, licensing or other lawful purposes. An
23 additional fee may be charged by the department for state noncriminal
24 justice fingerprint processing. Fees submitted to the department for
25 state noncriminal justice fingerprint processing are not refundable.

26 K. The director shall establish a fee in an amount necessary to
27 cover the cost of processing copies of department reports, eight by ten
28 inch black and white photographs or eight by ten inch color photographs of
29 traffic accident scenes.

30 L. Except as provided in subsection O of this section, each agency
31 authorized by this section may charge a fee, in addition to any other fees
32 prescribed by law, in an amount necessary to cover the cost of state and
33 federal noncriminal justice fingerprint processing for criminal history
34 record information checks that are authorized by law for noncriminal
35 justice employment, licensing or other lawful purposes.

36 M. A fingerprint account within the records processing fund is
37 established for the purpose of separately accounting for the collection
38 and payment of fees for noncriminal justice fingerprint processing by the
39 department. Monies collected for this purpose shall be credited to the
40 account, and payments by the department to the United States for federal
41 noncriminal justice fingerprint processing shall be charged against the
42 account. Monies in the account not required for payment to the United
43 States shall be used by the department in support of the department's
44 noncriminal justice fingerprint processing duties. At the end of each
45 fiscal year, any balance in the account not required for payment to the

1 United States or to support the department's noncriminal justice
2 fingerprint processing duties reverts to the state general fund.

3 N. A records processing fund is established for the purpose of
4 separately accounting for the collection and payment of fees for
5 department reports and photographs of traffic accident scenes processed by
6 the department. Monies collected for this purpose shall be credited to
7 the fund and shall be used by the department in support of functions
8 related to providing copies of department reports and photographs. At the
9 end of each fiscal year, any balance in the fund not required for support
10 of the functions related to providing copies of department reports and
11 photographs reverts to the state general fund.

12 O. The department of child safety may pay from appropriated monies
13 the cost of federal fingerprint processing or federal criminal history
14 record information checks that are authorized by law for employees and
15 volunteers of the department, guardians pursuant to section 8-453,
16 subsection A, paragraph 6, the licensing of foster parents or the
17 certification of adoptive parents.

18 P. The director shall adopt rules that provide for:

19 1. The collection and disposition of fees pursuant to this section.

20 2. The refusal of service to those agencies that are delinquent in
21 paying these fees.

22 Q. The director shall ensure that the following limitations are
23 observed regarding dissemination of criminal justice information obtained
24 from the central state repository or through the Arizona criminal justice
25 information system:

26 1. Any criminal justice agency that obtains criminal justice
27 information from the central state repository or through the Arizona
28 criminal justice information system assumes responsibility for the
29 security of the information and shall not secondarily disseminate this
30 information to any individual or agency not authorized to receive this
31 information directly from the central state repository or originating
32 agency.

33 2. Dissemination to an authorized agency or individual may be
34 accomplished by a criminal justice agency only if the dissemination is for
35 criminal justice purposes in connection with the prescribed duties of the
36 agency and not in violation of this section.

37 3. Criminal history record information disseminated to noncriminal
38 justice agencies or to individuals shall be used only for the purposes for
39 which it was given. Secondary dissemination is prohibited unless
40 otherwise authorized by law.

41 4. The existence or nonexistence of criminal history record
42 information shall not be confirmed to any individual or agency not
43 authorized to receive the information itself.

44 5. Criminal history record information to be released for
45 noncriminal justice purposes to agencies of other states shall only be

1 released to the central state repositories of those states for
2 dissemination in accordance with the laws of those states.

3 6. Criminal history record information shall be released to
4 noncriminal justice agencies of the federal government pursuant to the
5 terms of the federal security clearance information act (P.L. 99-169).

6 R. This section and the rules adopted under this section apply to
7 all agencies and individuals collecting, storing or disseminating criminal
8 justice information processed by manual or automated operations if the
9 collection, storage or dissemination is funded in whole or in part with
10 monies made available by the law enforcement assistance administration
11 after July 1, 1973, pursuant to title I of the crime control act of 1973,
12 and to all agencies that interact with or receive criminal justice
13 information from or through the central state repository and through the
14 Arizona criminal justice information system.

15 S. This section does not apply to criminal history record
16 information contained in:

17 1. Posters, arrest warrants, announcements or lists for identifying
18 or apprehending fugitives or wanted persons.

19 2. Original records of entry such as police blotters maintained by
20 criminal justice agencies, compiled chronologically and required by law or
21 long-standing custom to be made public if these records are organized on a
22 chronological basis.

23 3. Transcripts or records of judicial proceedings if released by a
24 court or legislative or administrative proceedings.

25 4. Announcements of executive clemency or pardon.

26 5. Computer databases, other than the Arizona criminal justice
27 information system, that are specifically designed for community
28 notification of an offender's presence in the community pursuant to
29 section 13-3825 or for public informational purposes authorized by section
30 13-3827.

31 T. This section does not prevent a criminal justice agency from
32 disclosing to the public criminal history record information that is
33 reasonably contemporaneous to the event for which an individual is
34 currently within the criminal justice system, including information noted
35 on traffic accident reports concerning citations, blood alcohol tests or
36 arrests made in connection with the traffic accident being investigated.

37 U. In order to ensure that complete and accurate criminal history
38 record information is maintained and disseminated by the central state
39 repository:

40 1. The booking agency shall take legible ten-print fingerprints of
41 all persons who are arrested for offenses listed in subsection C of this
42 section. The booking agency shall obtain a process control number and
43 provide to the person fingerprinted a document that indicates proof of the
44 fingerprinting and that informs the person that the document must be
45 presented to the court.

1 2. Except as provided in paragraph 3 of this subsection, if a
2 person is summoned to court as a result of an indictment or complaint for
3 an offense listed in subsection C of this section, the court shall order
4 the person to appear before the county sheriff and provide legible
5 ten-print fingerprints. The county sheriff shall obtain a process control
6 number and provide a document to the person fingerprinted that indicates
7 proof of the fingerprinting and that informs the person that the document
8 must be presented to the court. For the purposes of this paragraph,
9 "summoned" includes a written promise to appear by the defendant on a
10 uniform traffic ticket and complaint.

11 3. If a person is arrested for a misdemeanor offense listed in
12 subsection C of this section by a city or town law enforcement agency, the
13 person shall appear before the law enforcement agency that arrested the
14 defendant and provide legible ten-print fingerprints. The law enforcement
15 agency shall obtain a process control number and provide a document to the
16 person fingerprinted that indicates proof of the fingerprinting and that
17 informs the person that the document must be presented to the court.

18 4. The mandatory fingerprint compliance form shall contain the
19 following information:

20 (a) Whether ten-print fingerprints have been obtained from the
21 person.

22 (b) Whether a process control number was obtained.

23 (c) The offense or offenses for which the process control number
24 was obtained.

25 (d) Any report number of the arresting authority.

26 (e) Instructions on reporting for ten-print fingerprinting,
27 including available times and locations for reporting for ten-print
28 fingerprinting.

29 (f) Instructions that direct the person to provide the form to the
30 court at the person's next court appearance.

31 5. Within ten days after a person is fingerprinted, the arresting
32 authority or agency that took the fingerprints shall forward the
33 fingerprints to the department in the manner or form required by the
34 department.

35 6. On the issuance of a summons for a defendant who is charged with
36 an offense listed in subsection C of this section, the summons shall
37 direct the defendant to provide ten-print fingerprints to the appropriate
38 law enforcement agency.

39 7. At the initial appearance or on the arraignment of a summoned
40 defendant who is charged with an offense listed in subsection C of this
41 section, if the person does not present a completed mandatory fingerprint
42 compliance form to the court or if the court has not received the process
43 control number, the court shall order that within twenty calendar days the
44 defendant be ten-print fingerprinted at a designated time and place by the
45 appropriate law enforcement agency.

1 8. If the defendant fails to present a completed mandatory
2 fingerprint compliance form or if the court has not received the process
3 control number, the court, on its own motion, may remand the defendant
4 into custody for ten-print fingerprinting. If otherwise eligible for
5 release, the defendant shall be released from custody after being
6 ten-print fingerprinted.

7 9. In every criminal case in which the defendant is incarcerated or
8 fingerprinted as a result of the charge, an originating law enforcement
9 agency or prosecutor, within forty days of the disposition, shall advise
10 the central state repository of all dispositions concerning the
11 termination of criminal proceedings against an individual arrested for an
12 offense specified in subsection C of this section. This information shall
13 be submitted on a form or in a manner required by the department.

14 10. Dispositions resulting from formal proceedings in a court
15 having jurisdiction in a criminal action against an individual who is
16 arrested for an offense specified in subsection C of this section or
17 section 8-341, subsection Q, paragraph 3 shall be reported to the central
18 state repository within forty days of the date of the disposition. This
19 information shall be submitted on a form or in a manner specified by rules
20 approved by the supreme court.

21 11. The state department of corrections or the department of
22 juvenile corrections, within forty days, shall advise the central state
23 repository that it has assumed supervision of a person convicted of an
24 offense specified in subsection C of this section or section 8-341,
25 subsection Q, paragraph 3. The state department of corrections or the
26 department of juvenile corrections shall also report dispositions that
27 occur thereafter to the central state repository within forty days of the
28 date of the dispositions. This information shall be submitted on a form
29 or in a manner required by the department of public safety.

30 12. Each criminal justice agency shall query the central state
31 repository before dissemination of any criminal history record information
32 to ensure the completeness of the information. Inquiries shall be made
33 before any dissemination except in those cases in which time is of the
34 essence and the repository is technically incapable of responding within
35 the necessary time period. If time is of the essence, the inquiry shall
36 still be made and the response shall be provided as soon as possible.

37 V. The director shall adopt rules specifying that any agency that
38 collects, stores or disseminates criminal justice information that is
39 subject to this section shall establish effective security measures to
40 protect the information from unauthorized access, disclosure, modification
41 or dissemination. The rules shall include reasonable safeguards to
42 protect the affected information systems from fire, flood, wind, theft,
43 sabotage or other natural or man-made hazards or disasters.

1 W. The department shall make available to agencies that contribute
2 to, or receive criminal justice information from, the central state
3 repository or through the Arizona criminal justice information system a
4 continuing training program in the proper methods for collecting, storing
5 and disseminating information in compliance with this section.

6 X. This section does not create a cause of action or a right to
7 bring an action including an action based on discrimination due to sexual
8 orientation.

9 Y. The definition prescribed in subsection Z, paragraph 3 of this
10 section does not diminish or infringe on any rights protected under the
11 first amendment to the United States constitution or the Arizona
12 constitution.

13 Z. For the purposes of this section:

14 1. "Administration of criminal justice" means performance of the
15 detection, apprehension, detention, pretrial release, posttrial release,
16 prosecution, adjudication, correctional supervision or rehabilitation of
17 criminal offenders. Administration of criminal justice includes
18 enforcement of criminal traffic offenses and civil traffic violations,
19 including parking violations, when performed by a criminal justice agency.
20 Administration of criminal justice also includes criminal identification
21 activities and the collection, storage and dissemination of criminal
22 history record information.

23 2. "Administrative records" means records that contain adequate and
24 proper documentation of the organization, functions, policies, decisions,
25 procedures and essential transactions of the agency and that are designed
26 to furnish information to protect the rights of this state and of persons
27 directly affected by the agency's activities.

28 3. "Antisemitism" includes the definition of antisemitism that was
29 adopted by the international holocaust remembrance alliance on May 26,
30 2016 and that has been adopted by the United States department of state,
31 including the contemporary examples of antisemitism identified in the
32 adopted definition.

33 4. "Arizona criminal justice information system" or "system" means
34 the statewide information system managed by the director for the
35 collection, processing, preservation, dissemination and exchange of
36 criminal justice information and includes the electronic equipment,
37 facilities, procedures and agreements necessary to exchange this
38 information.

39 5. "Biometric data" means any physical characteristics, including
40 fingerprints and palm prints and face, tattoo and iris images.

41 6. "Booking agency" means the county sheriff or, if a person is
42 booked into a municipal jail, the municipal law enforcement agency.

43 7. "Central state repository" means the central location within the
44 department for the collection, storage and dissemination of Arizona
45 criminal history records and related criminal justice information.

1 8. "Criminal history record information" and "criminal history
2 record" means information that is collected by criminal justice agencies
3 on individuals and that consists of identifiable descriptions and
4 notations of arrests, detentions, indictments and other formal criminal
5 charges, and any disposition arising from those actions, sentencing,
6 formal correctional supervisory action and release. Criminal history
7 record information and criminal history record do not include
8 identification information to the extent that the information does not
9 indicate involvement of the individual in the criminal justice system or
10 information relating to juveniles unless they have been adjudicated as
11 adults.

12 9. "Criminal justice agency" means either:

13 (a) A court at any governmental level with criminal or equivalent
14 jurisdiction, including courts of any foreign sovereignty duly recognized
15 by the federal government.

16 (b) A government agency or subunit of a government agency that is
17 specifically authorized to perform as its principal function the
18 administration of criminal justice pursuant to a statute, ordinance or
19 executive order and that allocates more than fifty percent of its annual
20 budget to the administration of criminal justice. This subdivision
21 includes agencies of any foreign sovereignty duly recognized by the
22 federal government.

23 10. "Criminal justice information" means information that is
24 collected by criminal justice agencies and that is needed for the
25 performance of their legally authorized and required functions, such as
26 criminal history record information, citation information, stolen property
27 information, traffic accident reports, wanted persons information and
28 system network log searches. Criminal justice information does not
29 include the administrative records of a criminal justice agency.

30 11. "Disposition" means information disclosing that a decision has
31 been made not to bring criminal charges or that criminal proceedings have
32 been concluded or information relating to sentencing, correctional
33 supervision, release from correctional supervision, the outcome of an
34 appellate review of criminal proceedings or executive clemency.

35 12. "Dissemination" means the written, oral or electronic
36 communication or transfer of criminal justice information to individuals
37 and agencies other than the criminal justice agency that maintains the
38 information. Dissemination includes the act of confirming the existence
39 or nonexistence of criminal justice information.

40 13. "Management control":

41 (a) Means the authority to set and enforce:

42 (i) Priorities regarding development and operation of criminal
43 justice information systems and programs.

44 (ii) Standards for the selection, supervision and termination of
45 personnel involved in the development of criminal justice information

1 systems and programs and in the collection, maintenance, analysis and
2 dissemination of criminal justice information.

3 (iii) Policies governing the operation of computers, circuits and
4 telecommunications terminals used to process criminal justice information
5 to the extent that the equipment is used to process, store or transmit
6 criminal justice information.

7 (b) Includes the supervision of equipment, systems design,
8 programming and operating procedures necessary for the development and
9 implementation of automated criminal justice information systems.

10 14. "Process control number" means the Arizona automated
11 fingerprint identification system number that attaches to each arrest
12 event at the time of fingerprinting and that is assigned to the arrest
13 fingerprint card, disposition form and other pertinent documents.

14 15. "QUALIFIED SCHOOL" HAS THE SAME MEANING PRESCRIBED IN SECTION
15 15-2401.

16 ~~15.~~ 16. "Rap back services" means real-time or near real-time
17 notifications of activity, such as arrests on an individual, for
18 authorized criminal justice or noncriminal justice purposes in which
19 continuous evaluation of the individual's criminal history is required.

20 ~~16.~~ 17. "Secondary dissemination" means the dissemination of
21 criminal justice information from an individual or agency that originally
22 obtained the information from the central state repository or through the
23 Arizona criminal justice information system to another individual or
24 agency.

25 ~~17.~~ 18. "Sexual orientation" means consensual homosexuality or
26 heterosexuality.

27 ~~18.~~ 19. "Subject of record" means the person who is the primary
28 subject of a criminal justice record.

29 Sec. 11. Section 41-1758, Arizona Revised Statutes, is amended to
30 read:

31 41-1758. Definitions

32 In this article, unless the context otherwise requires:

33 1. "Agency" means the supreme court, the department of economic
34 security, the department of child safety, the department of education, the
35 department of health services, the department of juvenile corrections, the
36 department of emergency and military affairs, the department of public
37 safety, the department of transportation, the state real estate
38 department, the department of insurance and financial institutions, the
39 board of fingerprinting, the Arizona game and fish department, the Arizona
40 department of agriculture, the board of examiners of nursing care
41 institution administrators and assisted living facility managers, the
42 state board of dental examiners, the Arizona state board of pharmacy, the
43 board of physical therapy, the state board of psychologist examiners, the
44 board of athletic training, the board of occupational therapy examiners,
45 the state board of podiatry examiners, the acupuncture board of examiners,

1 the state board of technical registration, the board of massage therapy,
2 the board of behavioral health examiners or the Arizona department of
3 housing.

4 2. "Division" means the fingerprinting division in the department
5 of public safety.

6 3. "Electronic or internet-based fingerprinting services" means a
7 secure system for digitizing applicant fingerprints and transmitting the
8 applicant data and fingerprints of a person or entity submitting
9 fingerprints to the department of public safety for any authorized purpose
10 under this title. For the purposes of this paragraph, "secure system"
11 means a system that complies with the information technology security
12 policy approved by the department of public safety.

13 4. "Good cause exception" means the issuance of a fingerprint
14 clearance card to an applicant pursuant to section 41-619.55.

15 5. "Person" means a person who is required to be fingerprinted
16 pursuant to any of the following:

17 (a) Section 3-314.

18 (b) Section 8-105.

19 (c) Section 8-322.

20 (d) Section 8-463.

21 (e) Section 8-509.

22 (f) Section 8-802.

23 (g) SECTION 15-154.

24 ~~(g)~~ (h) Section 15-183.

25 ~~(h)~~ (i) Section 15-503.

26 ~~(i)~~ (j) Section 15-512.

27 ~~(j)~~ (k) Section 15-534.

28 ~~(k)~~ (l) Section 15-763.01.

29 ~~(l)~~ (m) Section 15-782.02.

30 ~~(m)~~ (n) Section 15-1330.

31 ~~(n)~~ (o) Section 15-1881.

32 (p) SECTION 15-2402.

33 ~~(o)~~ (q) Section 17-215.

34 ~~(p)~~ (r) Section 28-3228.

35 ~~(q)~~ (s) Section 28-3413.

36 ~~(r)~~ (t) Section 32-122.02.

37 ~~(s)~~ (u) Section 32-122.05.

38 ~~(t)~~ (v) Section 32-122.06.

39 ~~(u)~~ (w) Section 32-823.

40 ~~(v)~~ (x) Section 32-1232.

41 ~~(w)~~ (y) Section 32-1276.01.

42 ~~(x)~~ (z) Section 32-1284.

43 ~~(y)~~ (aa) Section 32-1297.01.

44 ~~(z)~~ (bb) Section 32-1904.

45 ~~(aa)~~ (cc) Section 32-1941.

1 ~~(bb)~~ (dd) Section 32-1982.
2 ~~(cc)~~ (ee) Section 32-2022.
3 ~~(dd)~~ (ff) Section 32-2063.
4 ~~(ee)~~ (gg) Section 32-2108.01.
5 ~~(ff)~~ (hh) Section 32-2123.
6 ~~(gg)~~ (ii) Section 32-2371.
7 ~~(hh)~~ (jj) Section 32-3271.
8 ~~(ii)~~ (kk) Section 32-3430.
9 ~~(jj)~~ (ll) Section 32-3620.
10 ~~(kk)~~ (mm) Section 32-3668.
11 ~~(ll)~~ (nn) Section 32-3669.
12 ~~(mm)~~ (oo) Section 32-3922.
13 ~~(nn)~~ (pp) Section 32-3924.
14 ~~(oo)~~ (qq) Section 32-4128.
15 ~~(pp)~~ (rr) Section 32-4222.
16 ~~(qq)~~ (ss) Section 36-113.
17 ~~(rr)~~ (tt) Section 36-207.
18 ~~(ss)~~ (uu) Section 36-411.
19 ~~(tt)~~ (vv) Section 36-425.03.
20 ~~(uu)~~ (ww) Section 36-446.04.
21 ~~(vv)~~ (xx) Section 36-594.01.
22 ~~(ww)~~ (yy) Section 36-594.02.
23 ~~(xx)~~ (zz) Section 36-766.01.
24 ~~(yy)~~ (aaa) Section 36-882.
25 ~~(zz)~~ (bbb) Section 36-883.02.
26 ~~(aaa)~~ (ccc) Section 36-897.01.
27 ~~(bbb)~~ (ddd) Section 36-897.03.
28 ~~(ccc)~~ (eee) Section 36-1940.
29 ~~(ddd)~~ (fff) Section 36-1940.01.
30 ~~(eee)~~ (ggg) Section 36-2069.
31 ~~(fff)~~ (hhh) Section 36-3008.
32 ~~(ggg)~~ (iii) Section 41-619.52.
33 ~~(hhh)~~ (jjj) Section 41-619.53.
34 ~~(iii)~~ (kkk) Section 41-1964.
35 ~~(jjj)~~ (lll) Section 41-1967.01.
36 ~~(kkk)~~ (mmm) Section 41-1968.
37 ~~(lll)~~ (nnn) Section 41-1969.
38 ~~(mmm)~~ (ooo) Section 41-2814.
39 ~~(nnn)~~ (ppp) Section 41-4025.
40 ~~(ooo)~~ (qqq) Section 46-141, subsection A or B.
41 ~~(ppp)~~ (rrr) Section 46-321.
42 6. "Rap back services" has the same meaning prescribed in section
43 41-1750.
44 7. "Vulnerable adult" has the same meaning prescribed in section
45 13-3623.

1 Sec. 12. Section 41-1758.01, Arizona Revised Statutes, is amended
2 to read:

3 41-1758.01. Fingerprinting division; powers and duties

4 A. The fingerprinting division is established in the department of
5 public safety and shall:

6 1. Conduct fingerprint background checks for persons and applicants
7 who are seeking licenses from state agencies, employment with licensees,
8 contract providers and state agencies or employment or educational
9 opportunities with agencies that require fingerprint background checks
10 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-154,
11 15-183, 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881,
12 15-2402, 17-215, 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06,
13 32-823, 32-1232, 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941,
14 32-1982, 32-2022, 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3271, 32-3430,
15 32-3620, 32-3668, 32-3669, 32-3922, 32-3924, 32-4128, 32-4222, 36-113,
16 36-207, 36-411, 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-766.01,
17 36-882, 36-883.02, 36-897.01, 36-897.03, 36-1940, 36-1940.01, 36-2069,
18 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969,
19 41-2814 and 41-4025, section 46-141, subsection A or B and section 46-321.

20 2. Issue fingerprint clearance cards. On issuance, a fingerprint
21 clearance card becomes the personal property of the cardholder and the
22 cardholder shall retain possession of the fingerprint clearance card.

23 3. On submission of an application for a fingerprint clearance
24 card, collect the fees established by the board of fingerprinting pursuant
25 to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147,
26 the monies collected in the board of fingerprinting fund.

27 4. Inform in writing each person who submits fingerprints for a
28 fingerprint background check of the right to petition the board of
29 fingerprinting for a good cause exception pursuant to section 41-1758.03,
30 41-1758.04 or 41-1758.07.

31 5. If after conducting a state and federal criminal history records
32 check the division determines that it is not authorized to issue a
33 fingerprint clearance card to a person, inform the person in writing that
34 the division is not authorized to issue a fingerprint clearance card. The
35 notice shall include the criminal history information on which the denial
36 was based. This criminal history information is subject to dissemination
37 restrictions pursuant to section 41-1750 and Public Law 92-544.

38 6. Notify the person in writing if the division suspends, revokes
39 or places a driving restriction notation on a fingerprint clearance card
40 pursuant to section 41-1758.04. The notice shall include the criminal
41 history information on which the suspension, revocation or placement of
42 the driving restriction notation was based. This criminal history
43 information is subject to dissemination restrictions pursuant to section
44 41-1750 and Public Law 92-544.

45 7. Administer and enforce this article.

1 B. The fingerprinting division may contract for electronic or
2 internet-based fingerprinting services through an entity or entities for
3 the acquisition and transmission of applicant fingerprint and data
4 submissions to the department, including identity verified fingerprints
5 pursuant to section 15-106. The entity or entities contracted by the
6 department of public safety may charge the applicant a fee for services
7 provided pursuant to this article. The entity or entities contracted by
8 the department of public safety shall comply with:

9 1. All information privacy and security measures and submission
10 standards established by the department of public safety.

11 2. The information technology security policy approved by the
12 department of public safety.

13 Sec. 13. Section 41-1758.02, Arizona Revised Statutes, is amended
14 to read:

15 41-1758.02. Fingerprint checks; registration

16 A. The person, provider or agency shall submit a full set of
17 fingerprints to the division for the purpose of obtaining a state and
18 federal criminal history records check pursuant to section 41-1750 and
19 Public Law 92-544. If the person can present a valid fingerprint
20 clearance card or credible documentation that the person's application for
21 a fingerprint clearance card is pending, the person, provider or agency is
22 not required to submit another application for a fingerprint clearance
23 card. The division may exchange this fingerprint data with the federal
24 bureau of investigation.

25 B. Except as provided in section 15-106, SUBSECTION A, paragraph 9,
26 the person shall submit a new set of fingerprints to the division for a
27 fingerprint background check every six years. The division shall conduct
28 a new state and federal criminal history records check on application for
29 a new card.

30 C. In order to apply for a fingerprint clearance card, a person
31 shall submit a completed application for a fingerprint clearance card
32 provided by the division.

33 D. The person, provider or agency shall submit the application
34 required by subsection C of this section along with the fingerprints and
35 applicable fee to the division for a criminal history records check.

36 Sec. 14. Section 41-1758.08, Arizona Revised Statutes, is amended
37 to read:

38 41-1758.08. Fingerprint clearance card; use of expired card

39 A. Notwithstanding any other law, an expired fingerprint clearance
40 card may be used to satisfy the fingerprint requirements of section
41 15-154, 15-183, 15-503, 15-512, 15-534, 15-782.02, 15-1330, ~~or~~ 15-1881 OR
42 15-2402 if the person signs an affidavit stating both of the following:

43 1. The person submitted a completed application to the division for
44 a new fingerprint clearance card within ninety days before the expiration
45 date on the person's current fingerprint clearance card.

1 2. The person is not awaiting trial on and has not been convicted
2 of a criminal offense that would make the person ineligible for a
3 fingerprint clearance card.

4 B. This section does not apply to a fingerprint clearance card that
5 has been denied, suspended or revoked or to a person who has requested a
6 good cause exception hearing.

7 Sec. 15. Qualified schools; fingerprint clearance card
8 requirements; implementation; definitions

9 A. Notwithstanding section 15-2402, subsection B, Arizona Revised
10 Statutes, as amended by this act, until one year after the effective date
11 of this section, the department of education may not determine that
12 tuition or fees at a qualified school are not an allowable expense under
13 the Arizona empowerment scholarship accounts program solely because one or
14 more employees, contractors or other individuals who have not yet obtained
15 a fingerprint clearance card pursuant to title 41, chapter 12, article
16 3.1, Arizona Revised Statutes, provide services directly to qualified
17 students or have contact with students that is not supervised at the
18 qualified school.

19 B. For the purposes of this section:

20 1. "Qualified school" has the same meaning prescribed in section
21 15-2401, Arizona Revised Statutes.

22 2. "Qualified student" has the same meaning prescribed in sections
23 15-2401 and 15-2401.01, Arizona Revised Statutes.

24 3. "Supervised" has the same meaning prescribed in section 15-505,
25 Arizona Revised Statutes.

26 Sec. 16. Arizona empowerment scholarship accounts; maximum
27 prior year carryforward; existing accounts

28 Notwithstanding section 15-2402, subsection M, Arizona Revised
29 Statutes, as added by this act, if an Arizona empowerment scholarship
30 account has a balance that exceeds the maximum prior year carryforward
31 amount on the effective date of this act, the office of the state
32 treasurer may not transfer monies from the Arizona empowerment scholarship
33 account to the state general fund pursuant to section 15-2402, subsection
34 M, Arizona Revised Statutes, as added by this act. For the purposes of
35 this section, the maximum prior year carryforward amount is:

36 1. \$50,000 for the Arizona empowerment scholarship account of a
37 qualified student who meets any of the criteria specified in section
38 15-2401, paragraph 7, subdivision (a), item (i), (ii) or (iii), Arizona
39 Revised Statutes.

40 2. \$24,000 for the Arizona empowerment scholarship account of a
41 qualified student who does not meet any of the criteria specified in
42 section 15-2401, paragraph 7, subdivision (a), item (i), (ii) or (iii),
43 Arizona Revised Statutes.

1 Sec. 17. Appropriation: department of education: Arizona
2 empowerment scholarship accounts administration

3 15 FTE positions are appropriated from the state general fund in
4 fiscal year 2026-2027 to the department of education to administer the
5 Arizona empowerment scholarship accounts program established by title 15,
6 chapter 19, Arizona Revised Statutes.

7 Sec. 18. Conditional enactment

8 Sections 15-106, 15-2402, 15-2403, 15-2404 and 41-1750, Arizona
9 Revised Statutes, as amended by this act, and sections 15 and 16 of this
10 act do not become effective if a measure proposed by any of initiative
11 petitions I-06-2026, I-09-2026 or I-10-2026 is placed on the ballot of the
12 next general election.